

The
Roman History.

VOL- I



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P R E F A C E.



THE compendious History of the regal and consular states of Rome, by Mr. Echard, and a translation of the extensive one, written in French, by the Jesuit-fathers, Catrou and Rouillé, were the only general accounts, which (unmixed* with foreign matters) had been given of them, in our language, when the present work was first offered to the public. In the structure of it, the author had an especial regard to those persons, who, wishing to be acquainted with the Roman story by reading it in English, found Mr. Echard too brief to satisfy their curiosity, and the Jesuits too diffuse and verbose to engage their attention agreeably. Not long after its coming abroad, the well known and much esteemed Monsieur Rollin, who, by the solicitation of his friends and admirers, had been prevailed with, in his old age, to undertake a History of Rome from the building of the city to the battle of Actium, obliged the public with a part of what he had executed. Death prevented his prosecution of the work to its completion; but it since been continued and finished by the ingenious and industrious Monsieur Crevier; and the whole is translated into English. Had M. Rollin, who not only in his relations, the extremes above mentioned, has drawn his historical matter (for the most part) from the ancient Greek and Latin authors, been employed more early in his enterprise, it would have prevented the writer of the present history from attempting any thing of this kind; whose project, at first, was no more than to abridge the Jesuits' voluminous History, making use, occasionally, of M. Vertot's narrative of the revolutions in the Roman go-

vernment, in his History of the World, has given a dry, but very exact account of the Roman kingdom and republic. "His collections (says Mr. Echard) both for their usefulness and exactness; his decisions very just and his learning very uncommon and curious: in short, we may say, that no other more truly and carefully brought together the principal matters of all the Roman historians than he; and that he was an incomparable collector and compiler, though at the same time he was but an indifferent historian." Pref. to Ech. Rom. Hist.

vernment. That project, however, he did not closely and constantly follow, even in this first volume, and he wholly departed from it in composing the second, choosing then to have recourse to the ancients for his materials, and also venturing, with regard to certain things, by them related, to make remarks, and give conjectures of his own; which, he imagined, might at least occasion to his readers the pleasure of considering, if they proved of no service to assist them in judging. Nor was he diverted from proceeding in this method, by the pieces M. Rollin had then published, of his Roman history; for this excellent writer, though more exact in his translations, and in giving the sense of his authors when he is not a mere translator, than either Monsieur Vertot or the Jésuits, has not, so often as could be wished, made use of his judgment to distinguish the true from the false, the probable from the improbable; and he has sometimes chosen to transcribe Monsieur Vertot, where this abbé did certainly not deserve that honour. Whoever peruses Monsieur Vertot's work must, I think, observe, that, with him, notwithstanding his strong and lively representation of the avarice, ambition, and usurpations of the nobles, the tribunes are always wrong, either in the matter or the manner, or the timing of their proposals for relieving the plebeians, and commonly in all three. And Monsieur Rollin, though he be not quite so devoted to the aristocratical faction as the abbé, yet seems to have a stronger bias that way than perhaps in reason he ought to have. In pages 57, 58. of his second volume, speaking of the Agrarian law, he says, "The demand of the tribunes on this article does really appear so founded in equity, that it seems as if nothing reasonable could be objected to it; and one cannot easily look upon the senate's obstinate withstanding it, but as a crying injustice, and a partiality wholly condemnable. Nevertheless, a society so respectable, and abounding with persons of generally avowed prudence and virtue, most undoubtedly have had strong reasons for acting as they did. That possession [which the patricians had] of the lands belonging to the public, might be unjust in its origin, and

Hist.
Rom.

it was then that a remedy might and ought to have been applied. But, as Monsieur L'Abbé de Vertot observes, a new partition was a thing attended with great difficulties." And then, to excuse the senate, he transcribes Monsieur Vertot's imaginary difficulties ; of which the reader will find some notice taken in the first volume, p. 410.

It is the more extraordinary that Monsieur Rollin should be so ready to ascribe the senate's opposing the Agrarian law to prudential motives, and a concern for the tranquillity of the public, when he had said but five pages before, in speaking of their opposition to the law for a partition of Mount Aventine among the people, " There was nothing unreasonable in this law : and the senate ought to have granted the bill with a good grace, and have even prevented the demand of the tribunes ; but these obtained nothing from the fathers without violent struggle, the discord being so great, and become, as it were, natural between the two orders."*

If from some passages, in the present edition of this volume, regarding the civil contests at Rome, the author should be thought too much biassed to the popular side, he hopes it will be remembered at the same time, that there is a sort of generosity in taking the part of the poor commons, who, in almost all their endeavours to free themselves from oppression, have been usually represented as an unreasonable, headstrong multitude, insolent, seditious, and rebellious. And he can truly say, that how partial soever to the plebeians he may seem, he is not conscious of having passed over any material fact, reported by the ancients to the disadvantage of the ple-

* The reader will find in p. 548. of the second volume of this history (second edition) some observations on a passage in the 28th book of M. Rollin's Roman History, which, to my apprehension, are sufficient to shew, that he was unreasonably prepossessed against the popular cause.

That supereminently learned and judicious writer, Dr. Blackwell, seemingly under the like prepossession, has (in p. 132. of the first volume of his *Memoirs of the Court of Augustus*) delivered it as his opinion, that the Roman constitution was unhinged, and its government converted from the best of forms to the worst, by those very measures (in favour of the commons) which, according to Dr. Middleton, brought the government of Rome to its perfect state : I mean the laying open to the plebeian families a promiscuous right to all the magistracies of the republic, and by that means a free admission into the senate,—the proposing equally and indifferently the honours of the government to every citizen, who by his virtue and services, either in war or in peace, could recommend himself to the notice and favour of his countrymen. See Dr. Middleton's Preface to the *Life of Cicero*, p. 37.

beian cause, or its advocates ; notwithstanding his own incredulity with regard to several pretended facts of this kind. Thus, though he totally disbelieves the story of Cassius's treasonable plot, with his trial and condemnation ; as likewise that of the wicked conspiracy of the tribunes against the senate and the knights ; yet he has given the substance of both these tales as they are related by Dionysius.

See
Hist.
b. 2.

B. 2.
c. 21.

In the forty-two years, from the secession to the decemvirate, the main foundations were laid of that free republican government, afterward brought to its perfection by the Licinian laws, and their natural effects. For which reason, and a well-grounded apprehension, that several transactions of those times were not placed in their true light by Monsieur Vertot, whose representations of them had been copied in the first edition of this volume, that portion of the history was revised with some attention, and compared with the original writers ; and this comparison occasioned, in the second edition, not only some variations from M. Vertot, but here and there a critical remark on the ancient historians themselves ; and in the present edition the reader will find several remarks that are not in the former, and of which some, perhaps, will appear to him entirely new. They are not given as things certain, but as probable, as having the appearance of truth.

What is inserted in the margin of p. 191, vol. i. by way of objection to Livy's account of the peace made with Porsena, was borrowed from a treatise entitled, *A Dissertation on the Uncertainty of the History of the first 500 Years of Rome*. It seems, for the reasons there given, highly probable, if not certain, that the king entirely subdued the Romans ; and the truth of this opinion may perhaps receive some confirmation from another remark. Livy tells us, that it was a custom transmitted from the ancients, and retained even in his time, for the crier, at public sales, to call the goods, Porsena's goods. (According to Plutarch it was at sales of goods belonging to the public.) The Latin historian is at a loss for the true origin of this custom ; because (as he intimates) it would seem, that the first goods, sold

L. 2.
c. 14.

under this appellation, had been taken from Porsena in a hostile manner; and this does not well suit with the king's friendly departure from before Rome. "Either this custom (says he) must have commenced during the war, and been continued after the peace; or it must have taken its rise from an origin of a gentler kind than the outcry imports." "*Cujus originem moris, necesse est aut inter bellum natam esse, neque omissam in pace: aut mitiore crevisse principio, quam hic præ se ferat titulus, bona hostiliter vendendi.*" He adds, "The most credible tradition concerning this matter is, that, when Porsena marched away, he made a present to the Romans of his camp stored with provisions, of which, by reason of the long blockade of their city, they were in extreme want. And lest the people, pressed with hunger, should seize the provisions in a rapacious tumultuous way, these were sold and called Porsena's goods; not to signify that it was a sale of booty acquired by the Romans from the king in war (for they were not in a condition to make such depredations), but of the free gifts of his bounty."

Now if, as Tacitus informs us, the city surrendered to Porsena, and if, as the treaty mentioned by Pliny imports, the Romans were reduced so low as to submit to the being prohibited the use of iron, except for agriculture, we may easily believe, that the origin of the outcry, used in public sales, was an injunction laid upon the Romans by the king, to make an acknowledgment, on all such occasions, that whatever they possessed was his. And this is not inconsistent with the supposition of his freely supplying their necessities, when they, through the pressure of famine, had absolutely submitted to him. The continuation of this custom, whether it arose from gratitude, or from obedience to power, will in either case be difficult to account for, unless we suppose, that the words, "Porsena's goods," came soon to signify no more than that the goods, exposed to sale, would be sold cheap; as probably those given by Porsena were. Father Catrou (upon what authority I know not) gives this meaning to the expression.

It may be observed, by the way, that the enterprise of

Tac.
Hist.
l. 3.
c. 72.
Plin.
l. 34.
c. 14.

Livy,
l. 2.
c. 12.
D. Hal.
p. 298.

Mucius to stab Porsena is a strong proof, if the fact be true, of the extremity to which the Romans were reduced. And the fact, that Mucius did undertake to assassinate the king, and this (as Livy and D. Hal. report) with the approbation of the senate, is made credible by that unusual ignominy with which he loaded his conquered * enemies, in forbidding them the use of iron for arms; for it seems to have a reference to the dagger of Mucius, and the base attempt to which the great council of his nation had encouraged him.

Disser-
tat. &c.
p. 12. 43.

Monsieur de Beaufort, a member of our Royal Society, and author of the Dissertation above mentioned, gives some very good reasons for questioning, in the story of Mucius, the truth of that circumstance, his broiling his right hand; and he has made several other ingenious observations on the history of the first ages of Rome; yet I must take leave to say, that he seems very far from having proved, that there is nothing more uncertain than the whole body of the Roman history of the first 500 years, from the building of the city: "*Qu'il n'y a rien de plus incertain que tout ce corps d'histoire—qu'on n'y peut compter sur rien.*" And, because the matter of the following sheets is the substance of what the ancients have written concerning those times, I have, in a discourse, which is now prefixed to the second volume of this history, attempted a defence against the attack made on the credit of their accounts.

N. B. When Dionysius of Halicarnassus is cited, the pages of the Frankfort edition are referred to, because, those pages being marked in the inner margin of Dr. Hudson's edition, such reference will be equally convenient with regard to both.

* That Porsena chose rather to be himself king of the Romans, than to restore Tarquin to the throne, will not be thought wonderful. But when, and by what fortunate incidents the Romans got, so soon as they did, from under the domination of the Hetrurian, must be left to conjecture.

REMARKS

ON THE

HISTORY OF THE SEVEN ROMAN KINGS,

OCCASIONED BY SIR ISAAC NEWTON'S OBJECTIONS TO
THE SUPPOSED TWO HUNDRED AND FORTY-FOUR
YEARS' DURATION OF THE REGAL STATE OF ROME.

IT is commonly admitted, upon the authority of the ancient Auth.
Chr.
1184. chronologers, that the fall of Troy was about 676 years before the expulsion of Tarquin the last king of Rome, who was indisputably expelled about the year before Christ 508. But Sir Isaac Newton has, by many arguments, made it probable, that those chronologers have placed the taking of Troy* near 300 years farther back than they ought to have done: and one of his arguments is drawn from the too long space of time supposed to be filled up by the reigns of only twenty-one kings in succession (fourteen at Alba, and seven at Rome). For in no country, of which the historical and chronological accounts are certain, is it found, that the like number of kings in succession reigned near so long as 676 years. And because most of the seven Roman kings were untimely slain, and one deposed, he thinks it not reasonable to believe that their reigns took up half the 244 years allotted to them by the Roman historians.

As the following remarks, offered in support of Sir Isaac Newton's conclusion, may happen to fall under the inspection of several persons who have not perused that great man's chronological work, it may to such perhaps be agreeable, if the remarks be introduced by some of his fundamental reasons for questioning the truth of the received chronology of ancient kingdoms in general, and of the Roman kingdom in particular.

* Mr. Whiston, p. 971, of Authent. Rec. part 2. seems confident that Troy was taken just 1270 years before the Christian era, which computation (he says) agrees with the chronology of the author of the *Life of Homer*, supposed to be Herodotus.

The
chro-
nology
of an-
cient
king-
doms
amend-
ed, p. 43.
et seq.
Herod.
1. 2.
† Ant.
Chr.
714.

' ALL nations, before they began to keep exact accounts of time, have been prone to raise their antiquities; and this humour has been promoted, by the contentions between nations about their originals.

' Herodotus tells us, that the priests of Egypt reckoned from the reign of Menes to that of Sethon,* who put Senacherib to flight,† 341 generations of men, and as many priests of Vulcan, and as many kings of Egypt; and that 300 generations make 10,000 years; for, saith Herodotus, three generations of men make 100 years: and the remaining forty and one generations 1340 years: and so the whole time from the reign of Menes to that of Sethon was 11,340 years. And by this way of reckoning, and allotting longer reigns to the gods of Egypt than to the kings which followed them, Herodotus tells us from the priests of Egypt, that from Pan to Amosis were 15,000 years, and from Hercules to Amosis 17,000.

' So also the Chaldeans boasted of their antiquity; for Callisthenes, the disciple of Aristotle, sent astronomical observations from Babylon to Greece, said to be of 1903 years' standing before the times of Alexander the Great. And the Chaldeans boasted farther, that they had observed the stars 473,000; and there were others who made the kingdoms of Assyria, Media, and Damascus, much older than the truth.

§ Ant.
Chr.
776.

' Some of the Greeks called the times before the reign of Ogyges unknown,‡ because they had no history of them; those between his flood and the beginning of the Olympiads fabulous, because their history was much mixed with poetical fables; and those after the beginning of the Olympiads historical, because their history was free from such fables. The fabulous ages wanted a good chronology, and so also did the historical, for the first sixty or seventy Olympiads.

Found-
ed by
Cyrus,
Ant.
Chr.
536.
Plut. de
Pithne
Oracu-
lo. Plut.
in So-
lon.
|| Apud
Dioz.
Laert.
in So-
lon.
p. 10.
Plin.
Nat.
Hist. 1.
7. c. 56.
Ib. 1. 5.
c. 29.
Cont.

' The Europeans had no chronology before the times of the Persian empire, and whatsoever chronology they now have of ancienter times, hath been framed since by reasoning and conjecture.

' Plutarch tells us, that the philosophers anciently delivered their opinions in verse, as Orpheus, Hesiod, Parmenides, Xenophanes, Empedocles, Thales.

' Solon wrote in verse, and all the seven wise men were addicted to poetry, as Anaximenes affirmed.||

' Till those days the Greeks wrote only in verse, and while they did so, there could be no chronology, nor any other history than such as was mixed with poetical fancies.

' Pliny, in reckoning up the inventors of things, tells us, that Pherecydes Seyrius taught to compose discourses in prose in the reign of Cyrus; and Cadmus Milesius to write history. And in another place he saith, that Cadmus Milesius was the first that wrote in prose.

' Josephus tells us, that Cadmus Milesius and Acensilaus were but a little before the expedition of the Persians against the Greeks: and Suidas calls Acensilaus a most ancient historian, and saith that he wrote genealogies out of tables of brass, which his father, as was reported, found in a corner of his house. Who hid them there may be doubted: for the Greeks had no public table or inscription older than the laws of Draco.

Ap. sub
initio.
In 'Ax-
ovsilaoç
Joseph.
cont.
Ap. 1. 1.
¶ Dio-
nys. 1. 1.
initio.

' Pherecydes Atheniensis, in the reign of Darius Hystaspis, or soon after, wrote of the antiquities and ancient genealogies of the Athenians in ten books; and was one of the first European writers of this kind, and one of the best; whence he had the name of Genealogus, and by Dionysius Halicarnassensis is said to be second to none of the genealogers.¶

* He is supposed to be Mizraim the son of Cham, and grandson of Noah, and to have founded a kingdom in Egypt, A. M. 1772.—Ant. Chr. 2232.

‡ According to the old chronology, the flood of Ogyges happened 1796 years before the Christian era: but according to Sir I. N. little more than 1100 years. Short Chron. p. 10.

“ In the beginning of that [the Persian] monarchy, Acensilaus made Phoroneus as old as Ogyges and his flood, and that flood 1020 older than the first Olympiad; which is above 680 years older than the truth.” Chron. of the Greeks, p. 43.

* Epimenides, (not the philosopher, but) an historian, wrote also of ancient genealogies: and

† Hellanicus (who was twelve years older than Herodotus) digested his history by the ages or successions of the priestesses of Juno Argiva. Others digested theirs by those of the archons of Athens, or kings of the Lacedæmonians.

‡ Hippias the Elean published a breviary of the Olympiads, supported by no certain arguments, as Plutarch tells us: * he lived in the 105th Olympiad, † and was derided by Plato for his ignorance. This breviary seems to have contained nothing more than a short account of the victors in every Olympiad.

§ Then Ephorus the disciple of Isocrates, formed a chronological history of Greece, ‡ beginning with the return of the Heraclides into Peloponnesus, and ending with the siege of Porinthus in the twentieth year of Philip, the father of Alexander the Great, that is, eleven years before the fall of the Persian empire: but he digested things by generations, and the reckoning by the Olympiads, § or by any other era, was not yet in use among the Greeks.

¶ The Arundelian marbles were composed sixty years after the death of Alexander the Great, [An. 4. Olymp. 128.] and yet mention not the Olympiads nor any other standing era, but reckon backwards from the time then present.

‖ But chronology was now reduced to a reckoning by years; and, in the next Olympiad,

‡ Timæus Siculus improved it: for he wrote a history, in several books, down to his own times, according to the Olympiads; comparing the Ephori, the kings of Sparta, the archons of Athens, and the priestesses of Argos, with the Olympic victors, so as to make the Olympiads and the genealogies and successions of kings and priestesses, and the poetical histories suit one another, according to the best of his judgment; and, where he left off, Polybius began, and carried on the history.

§ Eratosthenes wrote above 100 years after the death of Alexander the Great. 223. He was followed by Apollodorus, and these two have been followed ever since by chronologers.

¶ But how uncertain their chronology is, and how doubtful it was reputed by the Greeks of those times, may be understood by these passages of Plutarch. "Some reckon Lycurgus," saith he, "contemporary to Iphitus, and to have been his companion in ordering the Olympic festivals, amongst whom was Aristotle the philosopher; arguing from the Olympic disc, || which had the name of Lycurgus upon it. Others, supputing the times by the kings of Lacedæmon, as Eratosthenes and Apollodorus, affirm that he was not a few years older than the first Olympiad." He began to flourish in the 17th or 18th Olympiad, and at length Aristotle made him as old as the first Olympiad; and so did Epaminondas, as he is cited by Ælian and Plutarch: and then Eratosthenes, Apollodorus, and their followers, made him above 100 years older.'

[Mr. Whiston accuses Sir I. Newton, of not informing his readers how very difficult a thing it is to tell the age of Lycurgus; nor that Plutarch himself declares, "how every thing about Lycurgus is disputed; and, above all the rest, the time when he lived." I cannot see any good ground for this quarrel with Sir I. N.; but I wonder that Mr. Whiston or any body should build much upon the authority of chronological canons, the framers of which were so destitute of authentic records as

§ Sir I. N. says the same in the introduction to his short Chronicle, and adds there these words, 'Nor does it appear that the reigns of kings were yet set down by numbers of years.'

|| N. B. In p. 58, Sir I. N. shews the fallacy of this argument. Iphitus, says he, did not restore all the Olympic games. He restored indeed the racing in the first Olympiad, Coræbus being victor. In the 14th Olympiad, the double stadium was added, Hypæus being victor. And in the 18th Olympiad, the quinquetium and wrestling were added, Lampus and Erybatus, two Spartans, being victors; and the disc was one of the games of the quinquetium.

* Plut.
in Num.
† About
360.

‡ Ant.
Chr.
§ Diodor.
l. 16.
p. 550.
Ant.
Chr.
343.

Polyb.
p. 379.
B. Ant.
Chr.

265.

In Vita
Lycurgi
sub ini-
tio.

Confut.
of Sir
I. N.'s
Chron.
p. 1047.

Pausan.
l. 5. c. 2.

to be reduced to conjectures concerning the time when Lyeurgus lived, than whose legislature there is not a more memorable event in the history of Greece. And it ought to be observed, that the uncertainty with regard to Lyeurgus must be attended with a like uncertainty as to the times of the kings in the line of Procles; Lyeurgus having been tutor to his nephew Charilaus the seventh king of that race. And it is remarkable that the chronologers have not pretended to know the number of years which each of those kings reigned, though they have marked the length of the several reigns of the kings in the line of Euryathenes down to Polydorus the tenth king.]

In So-
lone.

In another place Plutarch tells us: 'The congress of Solon with Cræsus some think they can confute by chronology. But a history so illustrious, and verified by so many witnesses, and, which is more, so agreeable to the manners of Solon, and worthy of the greatness of his mind and of his wisdom, I cannot persuade myself to reject because of some chronological canons, as they call them, which hundreds of authors correcting, have not yet been able to constitute any thing certain, in which they could agree amongst themselves, about repugnances.

Sir I. N.
p. 50.
lib. 1. in
Præm.

'Diodorus, in the beginning of his history, tells us, that he did not divine, by any certain space, the times preceding the Trojan war, because he had no certain foundation to rely upon: but from the Trojan war, according to the reckoning of Apollodorus, whom he followed, there were eighty years to the return of the Heraclides into Peloponnesus; and that from that period to the first Olympiad, there were 328 years, computing the times from the kings of the Lacedæmonians. Apollodorus followed Eratosthenes, and both of them followed Thucydides in reckoning eighty years from the Trojan war to the return of the Heraclides: but in reckoning 328 years from that return to the first Olympiad, Diodorus tells us, that the times were computed from the kings of the Lacedæmonians; and Plutarch tells us, that Apollodorus, Eratosthenes, and others, followed that computation: and since this reckoning is still received by chronologers, and was gathered by computing the times from the kings of the Lacedæmonians, that is from their number, let us re-examine that computation.

Plut.
in Ly-
curgo.
sub
initio.

'The Egyptians reckoned the reigns of kings equipollent to generations of men, and three generations to 100 years, as above; so did the Greeks and Latins, and accordingly they have made their kings reign one with another thirty and three years a-piece, and above.

'For they make the seven kings of Rome, who preceded the consuls, to have reigned 244 years, which is thirty-five years a-piece.

'And the first twelve kings of Sicily, Ægialeus, Europa, &c. to have reigned 529 years, which is forty-four years a-piece:

'And the first eight kings of Argos, Inachus, Phoroneus, &c. to have reigned 371 years, which is above forty-six years a-piece: *

'And between the return of the Heraclides into Peloponnesus, and the end of the first Messenian war, the ten kings of Sparta in one race,

- | | |
|-----------------|-------------------|
| 1. Eurythenes, | 6. Ageilaus, |
| 2. Agis, | 7. Archelaus, |
| 3. Echestratus, | 8. Teleclus, |
| 4. Labotas, | 9. Alcamenes, and |
| 5. Doryagus, | 10. Polydorus; |

the nine in the other race,* the ten kings of Messene,† and the nine of Arcadia;‡ according to chronologers, took up 379 years; which is thirty-eight years a-piece to the ten kings, and forty-two years a-piece to the nine. And the five kings [follow-

* 1. Procles, 2. Sous, 3. Eurypon, 4. Prytanis, 5. Eunomus, 6. Polydectes, 7. Charilaus, 8. Nicander, 9. Theopompus.

† 1. Cresphontes, 2. Epytus, 3. Glaucus, 4. Isthmus, 5. Dotadas, 6. Sibotas, 7. Phintias, 8. Antiochus, 9. Euphaes, 10. Aristodemus.

‡ 1. Cypselus, 2. Olaus, 3. Buchalion, 4. Phialus, 5. Simus, 6. Pompus, 7. Ægimeta, 8. Polymnestor, 9. Æchmis.

ing Polydorus] of the race of Eurystheneſes, between the end of the firſt Meſſenian war, and the beginning of the reign of Darius Hyſtaſpis ; Eurycrates, Anaxander, Eurycrates II., Leon, Anaxandrides, reigned 202 years, which is above forty years a-piece.

‘ Thus the Greek chronologers, who follow Timæus and Eratoſthenes, have made the kings of their ſeveral cities, who lived before the times of the Perſian empire, to reign about thirty-five or forty years a-piece, one with another ; which is a length ſo much beyond the courſe of nature, as is not to be credited. For by the ordinary courſe of nature, kings reign, one with another, about eighteen or twenty years a-piece : and if in ſome inſtances they reign, one with another, five or ſix years longer, in others they reign as much ſhorter : eighteen or twenty years is a medium.

‘ So the eighteen kings of Judah, who ſucceeded Solomon, reigned 390 years, which is one with another twenty-two years a-piece.

‘ The fifteen kings of Iſrael after Solomon, reigned 259 years, which is ſeventeen years and a quarter a-piece.

‘ The eighteen kings of Babylon ; Nabonassar, &c. reigned 209 years, which is eleven years and two-thirds a-piece.

‘ The ten kings of Perſia ; Cyrus, Cambyſes, &c. reigned 208 years, which is almoſt twenty-one years a-piece.

‘ The ſixteen ſucceſſors of Alexander the Great, and of his brother and ſon in Syria ; Seleucus, Antiochus Soter, &c. reigned 244 years after the breaking of that monarchy into various kingdoms, which is fifteen years and a quarter a-piece.

‘ The eleven kings of Egypt ; Ptolemæus Lagi, &c. reigned 276 years, counted from the ſame period, which is twenty-five years a-piece.

‘ The eight in Macedonia ; Caſſander, &c. reigned 138 years, which is ſeventeen years and a quarter a-piece.

‘ The thirty kings of England ; William the Conqueror, William Rufus, &c. reigned 648 years, which is twenty-one years and a half a-piece.

‘ The firſt twenty-four kings of France ; Pharamundus, &c. reigned 458 years, which is nineteen years a-piece.

‘ The next twenty-four kings of France, Ludovicus Balbus, &c. 451 years, which is eighteen years and three quarters a-piece.

‘ The next fifteen, Philip Valeſius, &c. 315 years, which is twenty-one years a-piece.

‘ And all the ſixty-three kings of France, 1224 years, which is nineteen years and a half a-piece.

‘ Generations from father to ſon may be reckoned, one with another, at about thirty-three or thirty-four years a-piece, or about three generations to 100 years : but if the reckoning proceed by the eldeſt ſons, they are ſhorter, ſo that three of them may be reckoned at about ſeventy-five or eighty years ; and the reigns of kings are ſtill ſhorter, becauſe kings are ſucceeded not only by their eldeſt ſons, but ſometimes by their brothers, and ſometimes they are ſlain or depoſed ; and ſucceeded by others of an equal or greater age, eſpecially in elective or turbulent kingdoms.

‘ In the later ages, ſince chronology hath been exact, there is ſcarce an inſtance to be found of ten kings reigning any where in continual ſucceſſion above 260 years ; but Timeus and his followers, and I think alſo ſome of his predeceſſors, after the example of the Egyptians, have taken the reigns of kings for generations, and reckoned three generations to 100, and ſometimes to 120 years ; and founded the technical chronology of the Greeks upon this way of reckoning. Let the reckoning be reduced to the courſe of nature, by putting the reigns of kings one with another, at about eighteen or twenty years a-piece : and the ten kings of Sparta by one race, the nine by another race, the ten kings of Meſſene, and the nine of Aroandis, above mentioned, between the return of the Heraclides and Peloponneſus, and the end of the firſt Meſſenian war, will ſcarce take up above 180 or 190 years : whereas, according to chronologers, they took up 379 years.

* Chronologers have [not only] lengthened the time, between the return of the Heraclides into Peloponnesus and the first Messenian war,—they have also lengthened the time between that war and the Persian empire.

Herod. 1. 7. ' For in the race of the Spartan kings, descended from Eurysthene; after Polydorus, reigned these kings :

- | | |
|--------------------|-------------------|
| 11. Eurycrates, | 15. Anaxandrides, |
| 12. Anaxander, | 16. Cleomenes, |
| 13. Eurycrates II. | 17. Leonides, &c. |
| 14. Leon, | |

Herod. 1. 8. ' And in the other race descended from Procles ; after Theopompus [the ninth king] reigned these, Anaxandrides, Archidemus, Anaxileus, Leutyichides, Hippocratides, Ariston, Demaratus, Leutyichides II. &c. according to Herodotus. These kings reigned till the sixth year of Xerxes, in which Leonidas was slain by the Persians at Thermopylæ; and Leutyichides II. soon after, flying from Sparta to Tegæ, died there.

* The seven reigns of the kings of Sparta, which follow Polydorus, being added to the ten reigns above mentioned, which began with that of Eurysthene, make up seventeen reigns of kings between the return of the Heraclides into Peloponnesus and the sixth year of Xerxes: and the eight reigns following Theopompus, being added to the nine reigns above mentioned, which began with that of Procles, made up also seventeen reigns, and these seventeen reigns, at twenty years a-piece one with another, amount unto 340 years. Count these 340 years upwards from the sixth year of Xerxes, and one or two years more for the war of the Heraclides, and the reign of Aristodemus, the father of Eurysthene and Procles ; and they will place the return of the Heraclides into Peloponnesus 159 years after the death of Solomon, and forty-six years before the first Olympiad,* in which Coræbus was victor. But the followers of Timæus have placed this return 280 years earlier.† Now this being the computation upon which the Greeks, as you have heard from Diodorus and Plutarch, have founded the chronology of their kingdoms, which were ancients than the Persian empire ; that chronology is to be rectified by shortening the times which preceded the death of Cyrus, in the proportion of almost two to one ; for the times which follow the death of Cyrus are not much amiss.'

* i. e.
Ant.
Chr.
822.
† i. e.
1102.

[The truth of Sir I. N.'s computation with regard to the reigns of the seventeen kings of Sparta, of whom Leonidas was the last, seems to be well supported by the space of time filled up by the reigns of the thirteen kings (of the same line) who reigned in succession after Leonidas.

Leonidas was slain in the year before Christ, 480.

Cleomenes, the last of the thirteen kings who reigned after him, being expelled Peloponnesus, killed himself in Egypt as (Petavius hath shewnt) in 219, before Christ.

† Rat. Temp. par. 1. 1. 4. c. 4. The years between the deaths of these two kings are 261, so that the thirteen kings in succession from Leonidas reigned but about twenty years a-piece one with another.]

Sir I. N. p. 49. § Plut. in Rom. et Num. ¶ In Æn. 7. v. 678. ¶ Diod. 1. 1. ' As for the chronology of the Latins, that is still more uncertain [than the chronology of the Greeks]. Plutarch represents great uncertainties in the originals of Rome,§ and so doth Servius.¶ The old records of the Latins were burnt by the Gauls 120 years after the Regifuge, and sixty-four years before the death of Alexander the Great: ¶ and Quintus Fabius Pictor, the oldest historian of the Latins, lived 100 years later than that king, and took almost all things [concerning the originals of Rome] from Diocles Peparethus, a Greek.

¶ When the Romans conquered the Carthaginians, the archives of Carthage came into their hands. And thence Appian, in his History of the Punic Wars, tells in round numbers that Carthage stood 700 years ; and Solinus adds the odd number of years [thirty-seven] in these words, " Adrymeto atque Carthagini author est a Tyro

Sir I. N. p. 64. Solin. c. 30.

populus. Urbem istam, ut Cato in oratione senatoria autumat, cum rex Hiarbas rerum in Libya potiretur, Elissa mulier extruxit, domo Phoenix, et Carthadam dixit, quod Phœnicum ore exprimit civitatem novam; mox sermone verso Carthago dicta est, quæ post annos septingentos triginta septem exoiditur quam fuerat extructa."

'Elissa was Dido, and Carthage was destroyed in the consulship of Lentulus and Mummis in the year of the Julian period 4568; from whence count backward 737 years* and the encœnia or dedication of the city will fall upon the sixteenth year of * Ant. Chr. 146. Pygmalion, the brother of Dido, and king of Tyre. She fled in the seventh year of Pygmalion, but the era of the city began with its encœnia.

'Now Virgil and his scholiast Servius, who might have some things from the archives of Tyre and Cyprus, as well as from those of Carthage, relate that Tœncer came from the war of Troy to Cyprus, in the days of Dido, a little before the reign of her brother Pygmalion; and in conjunction with her father, seized Cyprus, and ejected Cinyras: and the marbles say, that Tœncer came to Cyprus seven years after the destruction of Troy, and built Salamis; and Apollodorus, that Cinyras married Metharme the daughter of Pygmalion, and built Paphos. Therefore, if the Romans, in the days of Augustus, followed not altogether the artificial chronology of Eratosthenes, but had those things from the records of Carthage, Cyprus, or Tyre; the arrival of Tœncer at Cyprus will be in the reign of the predecessor of Pygmalion, and by consequence the destruction of Troy, about seventy-six years later than the death of Solomon. Ant. Chr. 903.

'Dionysius Halicarnassensis tells us, that in the time of the Trojan war, Latinus was king of the Aborigines in Italy, and that in the sixteenth age after that war Romulus built Rome. By ages he means reigns of kings; for after Latinus he names sixteen kings of the Latins, the last of which was Numitor, in whose days Romulus built Rome: for Romulus was contemporary to Numitor, and after him Dionysius and others reckon six kings more over Rome, to the beginning of the consuls. Now these twenty and two reigns, at about eighteen years to a reign one with another, for so many of these kings were slain, took up 396 years; which, counted back from the consulship of Junius Brutus and Valerius Publicola, the two first consuls, place the Trojan war about seventy-eight years after the death of Solomon. Dionys. l. 1. p. 15. Ant. Chr. 901.

'When the Greeks and Latins were forming their technical chronology, there were great disputes about the antiquity of Rome; the Greeks made it much older than the Olympiads: some of them said it was built by Æneas: others, by Romus, the son or grandson of Æneas; others, by Romus, the son or grandson of Latinus, king of the Aborigines; others, by Romus, the son of Ulysses, or of Ascanius, or of Italus: and some of the Latins at first fell in with the opinion of the Greeks, saying that it was built by Romulus the son or grandson of Æneas. Timæus Siculus represented it built by Romulus the grandson of Æneas, above 100 years before the Olympiads; and so did Nævius the poet, who was twenty years older than Ennius, and served in the first Punic war, and wrote the history of that war. Sir I. N. p. 128. Vide Dion. Halicarn. l. 1. p. 44, 45.

'Hitherto nothing certain was agreed upon; but about 140 or 150 years after the death of Alexander the Great, they began to say that Rome was built a second time by Romulus, in the fifteenth age after the destruction of Troy: by ages they meant reigns of the kings of the Latins at Alba, and reckoned the first fourteen reigns at about 432 years, and the following reigns of the seven kings of Rome at 244 years, both which numbers made up the time of about 676 years from the taking of Troy, according to these chronologers; but are much too long for the course of nature: and by this reckoning, they placed the building of Rome upon the sixth or seventh Olympiad: Varro* placed it on the first year of the seventh Olympiad, and was therein

* If this be not an error of the press, yet doubtless Sir Isaac Newton meant to write Cato, not Varro. Varro placed the foundation of Rome in the third year of the 6th Olympiad [Ant. Chr. 753.]; Cato in the first year of the 7th [Ant. Chr. 751].

These two writers agreed in giving 244 years to the regal state of Rome, but, as

generally followed by the Romans; but this can scarce be reconciled to the course of nature: for I do not meet with any instance in full history, since chronology was certain, wherein seven kings, most of whom were slain, reigned 244 years in continual succession.

'The fourteen reigns of the kings of the Latins, at twenty years a-piece one with another, amount unto 280 years, and these years counted from the taking of Troy end in the 38th Olympiad: and the reigns of the seven kings of Rome, four or five of them being slain, and one deposed, may at a moderate reckoning amount to fifteen or sixteen years a-piece one with another: let them be reckoned at seventeen years a-piece, and they will amount unto 119 years; which, being counted backwards from the Regifuge, end also in the 38th Olympiad: and by these two reckonings Rome was built in the 38th Olympiad, or thereabout.

Ant.
Chr.
627.

'The 280 years and the 119 years together, make up 399 years; and the same number of years arises by counting the twenty and one reigns at nineteen years a-piece; and this being the whole time between the taking of Troy and the Regifuge, let these years be counted backward from the Regifuge An. 1. Olymp. 68.* and they will place the taking of Troy about seventy-four years after the death of Solomon.' [Which death of Solomon Sir Isaac Newton places 979 years before the Christian era; so that the fall of Troy, soon after which Æneas began his voyages, will be about 905 years before that era; and as Sir Isaac makes the flight of Dido from Tyre to be Ant. Chr. 892. there were, according to this computation, but about thirteen years between these two last-mentioned events.]

* Ant.
Chr.
508.

Vide
supr.
p. xiii.

Mr. Whiston, in his treatise entitled a Confutation of Sir Isaac Newton's Chronology, observes, (p. 987.) that "In England we have had nine successive reigns at almost thirty years a-piece, from Henry I. to Edward III.

"And twelve at almost twenty-eight years a-piece, from William the Conqueror to Richard II.

"And the French have had six reigns together at almost forty years a-piece, from Robert to Philip II.

"And eight reigns at above thirty-five years a-piece, from Robert to Louis IX.

"And ten reigns at almost thirty-three years a-piece, from Robert to Philip IV. all inclusive, as these tables will shew.

they fixed the era of the city by reckoning backward, and counted the years of the republic by the annual magistracies, and as Varro, in this way of counting, gave to the republic two years more than Cato; he of course placed the building of Rome two years farther back than Cato had done.

There were three dictatorships, to each of which Varro allotted a whole year, which dictatorships Cato had considered as only superseding so many consulships, and therefore reckoned each consulship and the dictatorship that superseded it as filling but one year. And this would have made Varro's reckoning upon the whole, exceed Cato's by three years; but Varro, by placing in one and the same year the third decemvirate, and the succeeding consulship; to which magistracies Cato allotted distinct years, the reckoning of Varro, upon the whole, exceeded that of Cato by two years only.

The Capitoline marbles, with regard to the three dictatorships and the third decemvirate, reckon like Varro; but as they give only 243 years to the regal state of Rome, their chronology upon the whole has a year less than Varro's, and a year more than Cato's.

See notes sur Chron. Grecque-Rom. Selon D. Hal. by the French translator of Dionysius, p. 34.

KINGS OF ENGLAND.

1. William the Conqueror.	21.	9. Edward I.	. . . 34.
2. William Rufus . . .	13.	10. Edward II. . .	. 19.
3. Henry I. . . .	35.	11. Edward III. . .	. 51.
4. Stephen	19.	12. Richard II. . .	. 22.
5. Henry II. . . .	35.		
6. Richard I. . . .	11.		12) 333 (27 $\frac{1}{2}$
7. John	17.		
8. Henry III. . . .	56.		

KINGS OF FRANCE.

1. Rupert or Robert . . .	45.	8. Lewis IX. 44.
2. Henry I. . . .	28.	9. Philip III. 15.
3. Philip I. . . .	48.	10. Philip IV. 29.
4. Lewis VI. . . .	29.		
5. Lewis VII. . . .	43.		10) 327 (32 $\frac{1}{2}$
6. Philip II. . . .	43.		
7. Lewis VIII. . . .	3.		

From these examples Mr. Whiston infers, that we ought not to reject or alter the series of the reigns of the twelve kings of Macedonia, from Caranus, of the Heraclidæ, to Archelaus, which twelve reigns take up 415 years: 12) 415 (34 $\frac{1}{2}$. Nor the series of the reigns of the eight last of the Latin kings, from Amulius to Tarquin the Proud, which takes up 286 years: 8) 286 (35 $\frac{1}{2}$. Which reigns of Macedonian and Latin kings, he observes, are of all he had before marked (in several series of ancient long reigns) the longest in proportion, because they began after human life was reduced to its present standard.

Now I think it must be granted, that the examples which Mr. Whiston has produced of long reigns in succession, both in England and in France, would be sufficient to make it credible, that the seven kings of Rome reigned as long as they are reported to have done, if there were no objection to this report, but its being uncommon to find, in authentic and undisputed history, seven kings reigning, in succession, thirty-five years a-piece one with another. But here it may be proper to consider,

I. That we have no better authority for the long reigns of the seven kings of Rome, than for the long reigns of the fourteen kings of Alba, their predecessors; and there is no instance, since chronology was certain, of twenty-one kings in succession reigning near thirty-two years a-piece, one with another, as the twenty-one kings in question are represented to have done.

Mr. Whiston, as we see above, has given us ten kings of France in succession, who reigned 327 years, or thirty-two years and three quarters a-piece.

I think he has stretched the reign of Robert ten or eleven years

beyond its true length. But, letting that pass, if to these ten kings we add the five that preceded them, and the six that followed them, to make the number twenty-one, we shall find, that the twenty-one kings reigned but about twenty-one years a-piece one with another.

For Raoul, the first of the twenty-one, began to reign An. Dom. 923, and Jean II. the last of the twenty-one, died in 1363, the whole space 440 years.

If to the ten kings we add the eleven that preceded them, the reigns of the twenty-one will be still shorter.

Indeed, if to the ten we add the eleven that followed them, the twenty-one reigns amount to near twenty-four years a-piece one with another. But this is far short of thirty-two years a-piece, to which the twenty-one reigns of the Latin kings amount, within a trifle, according to Bishop Lloyd's tables cited by Mr. Whiston.

So, likewise, though we have had in England twelve successive reigns at almost twenty-eight years a-piece, from William the Conqueror to Richard II. yet, if to those twelve we add the nine reigns which followed that of Richard II. we shall find that the twenty-one kings did not reign quite twenty-three years a-piece one with another.

II. It may be farther observed, that the old chronology, which makes the reigns of twenty-one Latin kings fill up a space of time so much longer than the reigns of the same number of kings of any country have ever done since chronology was certain, does in like manner make the reigns of every series of kings of the most ancient kingdoms exceed, in duration, what the common course of nature, as known by true history, admits; which universal excess affords a probable argument, that the old chronology was wholly artificial, and not founded on authentic records or monuments.

When I say, every series of kings, it might perhaps be expected, that I should except the long succession of kings in Egypt (from the time of Mizraim the son of Ham), to which numerous kings short reigns are assigned by the old chronology :* but I consider

* Mr. Whiston, in p. 975, makes the following observation :—

“Manetho, when he speaks of the several dynasties of Egypt, or of the several succession of collateral kingdoms, mentions the principal successions as extending to 113 generations in 3555 years: and implies, that the first sixteen, which were chiefly before the deluge, were more than equal to the other ninety-seven: those sixteen containing no fewer than 1985 years; and the ninety-seven no more than 1570 years: the former allowing to each generation or succession 124 years; as the duration of human life before the deluge well admitted; and (the Chaldean succession at Babylon in Abydenus and Berosus equally admitted also) while the latter allows but a little above sixteen years to such a succession, till the days of Alexander the Great: which last small number might yet well agree to those latter ages of the kingdom of Egypt, which might be subject to great disturbances and changes of government all along.”

those series of Egyptian monarchs as fabulous. For indeed the short reigns assigned to them, are alone almost a demonstrative proof, that the greater number of the kings, in those series, never existed, or at least not in regular succession; as I shall shew hereafter.

III. That most of the seven kings of Rome being slain, and one deposed, there arises hence a great improbability of their reigning thirty-five years a-piece, one with another.

IV. And lastly, that in the accounts given us of those seven kings, there are some particulars, by which the historians discover the uncertainty of their chronology, and some that seem entirely to refute it, as the following remarks will shew.

ROMULUS.

THE historians give thirty-seven or thirty-eight years to the reign of Romulus, yet if they had not expressly affirmed that he reigned so long, we should never have imagined, from any thing they relate of his life and death, that his government was of near so long a duration: we should rather have concluded from what they themselves have written concerning him, that he reigned little more than seventeen years.

I. Plutarch having related how Romulus took Fidenæ, and sent thither a Roman colony on the ides of April, goes on to tell us, that shortly after a plague broke out, and that before the plague ceased, the Camerini invaded the Roman territory; that Romulus without delay marched against them, defeated them, took Camerium, their city, transplanted half its inhabitants to Rome, and on the kalends of August sent from Rome double the number of Roman citizens to Camerium: so greatly (adds Plutarch) was the number of his citizens increased in sixteen years' time from the building of the city.

The same author proceeds immediately to relate, that the Veientes, alarmed at this increase of the Roman power, made Fidenæ the pretence for beginning a war with Rome. They demanded Fidenæ back as a city belonging to them; and their demand being scornfully rejected, they took the field, dividing their forces into two bodies: one attacked the Roman army of Fidenæ with success; the other marched against Romulus, and was defeated by him. One battle more put an end to the war: Romulus obtained a decisive victory, for which he triumphed on the ides of October.

Not only Plutarch, but Livy and Dionysius make Fidenæ the pretence for the war undertaken by the Veientes; and they speak of this war as begun presently after the reduction of that town by the Romans. It is not therefore without good reason that Pighius places the King's triumph over the Veientes in his seventeenth year.

II. It appears from Dionysius, Livy, and Plutarch, that the victory over the Veientes was the last military exploit of Romulus's life.

Dionysius having related the particulars of the war with Veii, the decisive victory gained by Romulus, and his triumph on that occasion, concludes with words to this effect: "These are the most memorable wars of Romulus; an untimely death, when he was in the bloom of his military glory, hindered him from subduing any of the other neighbouring nations."*

Livy, when he has spoken of the same war, goes on much in the same manner with Dionysius:† "These were almost all the achievements at home and abroad during the reign of Romulus;" and then speaks of his death. And,

Plutarch says expressly, that this war [with the Veientes] was the last war Romulus ever waged.‡

If then these two points be granted, that Romulus's war with Veii was his last war, and that this was finished about the seventeenth year of Rome, it will follow, that the twenty last years of his reign, if he reigned thirty-seven, were years of *peace*. But is it probable, that a prince of so active and enterprising a spirit should pass twenty years in peace with all his neighbours? Or if the Romans, when they sent an offer of the kingdom to Numa, had of thirty-seven years (the whole period since the birth of their state) been the last twenty in peace, how could he, with any propriety or truth, in his answer to the deputies, speak of the Romans as a people of a restless spirit, ever in war, and insatiably eager of conquest? Plutarch tells us, that the Romans, when Numa ascended the throne, were become hard as iron by war; and that this prince thought religion the only means to soften such stubborn minds, and moderate their martial fury: and Livy calls them *animos militia efferatos*. There is nothing in any of the historians to favour the supposition of Rome's continuing twenty years in peace in Romulus's time, except this only, that they fix his

See Hist.
vol. i.
chap. iii.
§ iii.
and x.

* Οὗτοι συνέστησαν πόλεμοι Ρωμύλῳ λόγου καὶ μνήμης ἄξιοι· τοῦ δὲ μνηδὲν ἔτι τῶν πλησίων ἰδῶν ὑπαγάγεσθαι, ταχέως ἢ τελευτῇ τοῦ βίου, συμβᾶσα ἔτι ἀμυλῶντι αὐτῷ τὰ πολέμια πράττειν, ἐν αἰτίᾳ γενέσθαι· ἰδοῦτε. p. 144.

† Hæc ferme Romulo regnante domi militiæque gesta. l. 1. c. 15

‡ Τοῦτον ἔσχατον πόλεμον ὁ Ῥωμύλος ἐπολίμησεν. Vit. Rom. p. 33.

death to the thirty-seventh year of the city, and make his wars end about the seventeenth.

III. May it not be fairly collected from all the three historians beforementioned, that Romulus's victory over the Veientes was not only the last military exploit of his life, but an exploit which did not long precede his death? It has been already observed, that Dionysius and Livy pass immediately from the conclusion of the Veientan war, to the King's assassination. Plutarch does the same; and it is farther to be remarked, that Plutarch and Dionysius make the affront which Romulus put upon the senators, when, without consulting them, he restored to the Veientes fifty hostages (which they had given him to secure the performance of their engagements by the treaty of peace) to be one of the chief provocations which incited the senators to murder him. And this offence is mentioned as a thing recent at the time of his death: "his sudden disappearing soon after this (says Plutarch) brought the senate under suspicion and calumny." And the same historian mentions another recent offence given the senate; that the King by his sole authority shared among the soldiers the lands acquired by the war. It is not indeed said at what time the King gave the senators these provocations, but we cannot easily suppose it to have been a great while after the war; and it will be very hard to suppose that it was twenty years after.

Plutarch is, I think, the only ancient writer who speaks of Romulus's moderation in not possessing himself of the kingdom of Alba, upon the death of his grandfather Numinator, to which kingdom he supposes Romulus to have had a right of inheritance. Now supposing Romulus to have been heir apparent to his grandfather, and yet never to have possessed Alba, it is much more probable that the grandfather outlived the grandson, than that the grandson declined a succession to which he had an hereditary right. This imagination which Plutarch had of the politic moderation of Romulus (for it was to gain the good-will of his people), seems wholly founded on the supposition that he reigned thirty-seven years, in which case he probably outlived his grandfather: but if Romulus reigned but seventeen years, his grandfather may very well be supposed to have outlived him; for according to Plutarch himself, Romulus was but seventeen years old when he began to reign.

NUMA.

THERE are several considerations which make it seem very improbable that Numa reigned forty-three years. His reign is by

all represented as a reign of uninterrupted peace; and the sole object of his government, to turn the minds of his subjects wholly from war to agriculture and other honest occupations, and to religious exercises. His people look upon him as the wisest man and best king in the world, and revere him as their common father. Nevertheless, this very people, of whom not a man fit to bear arms had ever drawn a sword, are, after forty-three years' habit of industry and devotion, brought at once, as soon as Numa is dead, totally to neglect his religious institutions, pick quarrels with their neighbours, and go to fighting as readily as if war had been their constant and only trade. Has this any appearance of probability? Is it not natural to believe rather that Numa's reign did not last above fifteen or sixteen years, and that the army which Tullus Hostilius led into the field consisted chiefly of Romulus's soldiers, who had been early inured to robbery and plundering, and whom Numa's discipline had not cured of their first habits and dispositions?

But as to Numa, there is another difficulty, with which Livy, Dionysius, and Plutarch, were much embarrassed, and which will be wholly removed by Sir Isaac Newton's calculations.

All those three historians take notice of a tradition which had universally prevailed among the Romans, that Numa was instructed by Pythagoras the Samian philosopher. This tradition they all reject; and they imagine it had no foundation but the conformity between the tenents of Pythagoras and those of Numa. At the same time, they have no argument against the truth of the fact, but what they draw from the received chronology of the regal state of Rome.*

L. 2. p.
116.

"Pythagoras (says Dionysius) was posterior to Numa, not a few years, but four entire generations," i. e. four reigns of kings: for (as he goes on) "Numa began his reign in the middle of the 16th Olympiad, and Pythagoras taught in Italy after the 50th Olympiad,† *μετὰ τὴν πεντηκοστὴν*," [in the fourth year of which

In Numa. * Plutarch speaks of some writers who (probably to get rid of the difficulty arising from this old tradition, compared with the received chronology of the kings of Rome) imagined, that a certain Pythagoras, a Spartan, who gained the prize at the races in the 16th Olympiad, might be Numa's instructor. Dionysius likewise mentions this racer, but declares that he knows of no good author, Greek or Roman, who speaks of him as conversing with Numa.

† Cicero says, * that Pythagoras came into Italy in the reign of Tarquin the Proud; and that he was in Italy when Brutus freed Rome from tyranny, i. e. 306 years after the beginning of Numa's reign, and in the 68th Olympiad. He supposes, that posterity being ignorant of the remote times ["*cum scitares et tempora ignorarent propter vetustatem*"], and comparing the wisdom of Numa with that of Pythagoras, imagined,

Olympiad he places the accession of Servius Tullius,* the fifth king from Numa. The whole number of years between Numa's accession and that of Servius Tullius is 157.]

Now taking it for granted that Dionysius means to say, that Pythagoras began to teach in Italy soon after the 50th Olympiad, and that he is right in this particular, a strong presumption will arise from the constant tradition of his intercourse with Numa, that this king did not begin to reign in the 16th Olympiad, but much later.

According to Sir Isaac Newton's computations, Rome was not built till about the 38th Olympiad; on which supposition, if we allow about seventeen years for the reign of Romulus, Numa's accession to the throne will have been about the middle of the 42d Olympiad. And if this computation be just, there will have been but about thirty-four years (not 137) between the accession of Numa to the throne, and the arrival of Pythagoras in Italy; even supposing that Pythagoras did not come into Italy till the 51st Olympiad: which, however, is not asserted by Dionysius.

"St. Austin (says Mr. Bayle) would easily have believed, that Numa was a disciple of Pythagoras; for he says, that Thales lived during the reign of Romulus. Now we know that Thales and Pherecydes were contemporary, and that Pythagoras was a disciple of Pherecydes; and some pretend that Thales was so

from that comparison, the King to have been a disciple of the philosopher. Now on this I observe,

1. That whatever reasons Cicero might have to place the coming of Pythagoras into Italy in the reign of Tarquin the Proud, it is plain, that Livy, Dionysius, and Pliny, thought the orator in a mistake, and had no deference to his authority in this particular.

[“The most accurate chronology (says Mr. Stanley) teacheth (as Mr. Selden observes) that Pythagoras flourished betwixt the 50th and 52d Olympiad.” p. 350.]

2. I observe, that Cicero supposes his countrymen, when they first entertained the notion of Numa's being instructed by Pythagoras, to have been extremely ignorant of the times of their kings, and particularly of the time when Numa lived. For, as to the time of Pythagoras, Cicero, who believed that he was still living in Italy in the first year of the republic, could hardly suppose that the Romans made a mistake of 200 years in their reckoning, and especially after their conquest of that country where Pythagoras had resided. Yet the notion of his being contemporary with Numa prevailed after that conquest.

It would seem, therefore, that the chronology of the regal state of Rome was invented and framed long after the opinion concerning the intercourse between Numa and Pythagoras had been entertained; and if so, that the chronology ought rather to be rejected on account of the tradition, than the tradition rejected on account of the chronology, especially as the latter is not agreeable to the common course of nature, with regard to the reigns of kings; and the former is entirely consistent with it.

* When Dionysius places the accession of Servius to the throne in the 50th Olympiad, he goes upon the supposition, that Servius reigned forty-four years. But I shall presently endeavour to shew, that it is probable he did not reign above twenty years, nor come to the throne till about the 56th Olympiad, and yet that Pythagoras might be then living at Crotona, though he had been Numa's instructor.

Taeiz. too. It is certain, at least, that Pythagoras and Anaximander, a disciple of Thales, lived at the same time."

That Pythagoras was contemporary with Thales is no less certain, if Thales outlived Pherecydes, to whom Pythagoras was a disciple. And that Thales outlived Pherecydes is manifest from a letter which Pherecydes, upon his death-bed, wrote to Thales.

Laert.
Vit.
Pherec.

It is generally admitted, that Thales was born in the first year of the 35th Olympiad. This opinion is adopted by Petavius, Mr. Bayle, and Mr. Stanley; and Sir Isaac Newton seems to follow it, when he supposes, "that Thales in the 41st Olympiad applied himself to astronomical studies, and predicted eclipses, being then a young man" [about twenty-eight years of age].

Apollo-
dorus
apud
Laert.
Vit. Thal.
Chron. p.
92.

If then Sir Isaac Newton be right in placing the foundation of Rome about the 38th Olympiad, St. Austin will not have erred in thinking that Thales was contemporary with Romulus, though Mr. Bayle seems to smile at the Bishop's notion.

The ancient writers are of different opinions concerning the times of Pythagoras's birth, and of his going into Egypt and into Italy, and of his death. But it seems to be universally agreed that he was contemporary with Thales, and the rest of the seven wise men, who all flourished between the 40th and 55th Olympiads.

L. S. c. 8. And, if we may believe Pliny, Pythagoras could not be much younger than Thales. For Pliny says, that "Pythagoras observed the nature of the star Venus, about the 42d Olympiad, year of Rome 142,"† [i. e. the 42d of Rome, according to the reckoning of Cato.]

P. 466.

† "Both these numbers (says Father Harduin, in his notes on Pliny) must be gross corruptions, or Pliny must have grievously blundered, *graviter hallucinatum*." Why so? "Because Laertius says, that Pythagoras was in the 60th Olympiad, Clemens Alexandrinus and Tatian in the 62d Olympiad, and Eusebius writes that he died in the 70th Olympiad: and Dionys. Halic. says, that Pythagoras flourished after the 50th Olympiad; he seems, indeed, to speak without precision, and at large," i. e. he does not say how long after.

I must here observe, that F. Harduin would have us understand the passage in Dionysius to mean certainly, that Pythagoras did not begin to flourish till after the 50th Olympiad. But this is not the clear import of the historian's words. He says nothing of the time when Pythagoras began to flourish, but says, that he was posterior to Numa four entire generations [or four reigns of kings], and that he lived or taught [there are two readings] in Italy after the 50th Olympiad, that is, so late as after that Olympiad, so late as in the reign of the fifth king from Numa. He does not say at what time the philosopher came into Italy, and began to teach there. This might be long before the 50th Olympiad: but it was enough for Dionysius's purpose that Pythagoras was living after the 50th Olympiad: for if so, and if Numa came to the throne in the 16th Olympiad, the King could not have been a disciple of the philosopher, which was all that Dionysius wanted to make out. His affirming that Pythagoras taught in Italy after the 50th Olympiad, does in no wise clash with the passage above cited from Pliny.

Now, as I observed before, it was in this very Olympiad that Numa came to the throne, according to Sir Isaac Newton's com-

But as to Pliny's blundering, why may not Laertius, Clemens, Tatian, and Eusebius, be as easily supposed to blunder as he? It is not improbable, that they all four took Cicero for their guide, who, in the opinion of Livy and Dionysius, did grossly blunder with regard to the point in question.

And as to the corruption of Pliny's text by transcribers; since there are two eras made use of, and the numbers in both ways of reckoning coincide in one and the same year, there is little ground to suppose a corruption, unless it can be shewn, that Pliny has elsewhere said something that is repugnant to what is expressed in the passage before us; but the annotator having produced nothing of this sort, one may naturally conclude that he met with nothing in his author to the purpose.

Indeed, there is in Pliny one passage, which as Sir Isaac Newton has happened (not according to his usual exactness) to translate it, seems not to square with Pythagoras's making astronomical observations in the 42d Olympiad. Sir Isaac Newton's words are these: "Pliny, in reckoning up the inventors of things, tells us, that Pherecydes Scyrius taught to compose discourses in prose in the reign of Cyrus." Now Cyrus did not found the Persian monarchy till the fourth year of the 62d Olympiad: and if Pythagoras was old enough in the 42d Olympiad to observe the nature of the star Venus, we must suppose that his master Pherecydes was born as early at least as the 32d Olympiad, in which case he must have been 120 years old at the beginning of the Persian monarchy. But Pliny does not say, that Pherecydes taught to compose discourses in prose in the reign of Cyrus, *Cyro rege regnante*, but in the time, the age of Cyrus, *Cyri regis etate* (l. 7. c. 26.); and Cyrus was born in the second year of the 45th Olympiad, and was sixty-three years old when he came to the empire. So that supposing Pherecydes born so early as about the 32d Olympiad, he was but fifty-two or fifty-three years old at the birth of Cyrus; and if he taught prose writing in any part of Cyrus's life, the objection is removed.

Farther: that Pherecydes did not teach in the 62d Olympiad is evident, because he died before Thales, who died in the 58th Olympiad, as is generally agreed.

There is another passage in Pliny, which, with regard to the point in question, deserves to be remarked. In l. 36. c. 9. he speaks of an Egyptian obelisk that was made by king Semnesertus, in whose reign (he says) Pythagoras was in Egypt. "*Is autem obeliscus excoisus est à rege Semneserteo, quo regnante Pythagoras in Ægypto fuit.*" F. Harduin, possessed with the opinion that Pythagoras flourished not so early as Pliny represents him in l. 2. c. 8. and therefore, that Pliny blundered in that part of his work, supposes that he is right here, when he says that the philosopher was in Egypt in the reign of king Semnesertus. But who is king Semnesertus? According to F. Harduin, Pliny can mean no other than Psammitius, the successor of Amasis. And why must Pliny, by Semnesertus, mean the successor of Amasis? Because Laertius and Tzetzes say, that Pythagoras went into Egypt in the reign of Amasis [who reigned long, and died about the beginning of the 64th Olympiad]. So we are to understand, that Pliny knew this, and means to say, that Pythagoras was still in Egypt when Psammitius came to the throne. Now I observe,

1. That Cambyzes was preparing to invade Egypt before Amasis died, and in six months after his death dispossessed his successor Psammitius, who therefore, it is highly probable, had no leisure to attend to the making obeliaks.

2. That it seems somewhat extraordinary, that Pliny should take occasion, from the mention of Psammitius, who can hardly be said to have reigned at all, to speak of his reign, as the time when Pythagoras was in Egypt. If Pliny had believed that Pythagoras went into Egypt in the reign of Amasis, and during that reign continued there many years, as he is represented by other writers to have done, it is natural to think he would have taken occasion, rather from the mention of Amasis, than from the mention of his successor, a half-year king, to speak of Pythagoras being in Egypt.

I rather conclude, therefore, that, by Semnesertus, Pliny means Psammitichus, Diod. who courted the Greeks, and encouraged strangers to settle in his country, and was the first king of Egypt who did so. He reigned long, and died in the third year of the 40th Olympiad. Pythagoras, who is said to have gone very young into Egypt, may have studied there some years in the latter part of this king's reign; and this will suit with what Pliny says of his observing the nature of the star Venus in the 42d Olympiad.

N. B. When Sir Isaac Newton places the building of Rome about the 38th Olym-

See Pri-
deux,
part 1.
b. 3.
p. 169.

Sic. l. 1.
c. 67.
Herod.
l. 2.
c. 154.

putations, if we allow but seventeen years to the reign of Romulus.

L. 1.
c. 18.

Livy agrees with Dionysius as to the time of Pythagoras being in Italy, and makes use of the same argument against the old tradition. "It is manifest (says he) that Pythagoras in the time of Servius Tullius kept a school of young students in the remotest coast of Italy, in the neighbourhood of Metapontum, Heraclea, and Crotona." Be it so. It may nevertheless be true that Pythagoras was contemporary with Numa. For if the reigns of Tullus Hostilius, Ancus Martius, and Tarquinius Priscus, were very short, as from many particulars in the history there is great reason to believe they were, Pythagoras, who is said to have lived to the ages of eighty, ninety, ninety-nine, and a hundred and four, may very well have been contemporary with both Numa and Servius Tullius.

See
Bayle,
Art. Py-
thag.(P.)

When Livy adds "that the school kept by Pythagoras was above 100 years after Numa,* centum amplius post annos," it is to conform himself to the received chronology of the kings of Rome; of which chronology I shall presently shew, that in his own mind he made little account, notwithstanding any thing he says. And indeed, if one considers the reasons which he gives, why Pythagoras, supposing him contemporary with Numa, could not be his instructor, they must incline one to think that the historian is not serious in his opposing the common tradition. "How (says he) could the fame of Pythagoras reach from the south-east coast of Italy, where Pythagoras kept school, into Sabinia? By an intercourse in what language could Pythagoras excite in Numa a desire of learning? Under what protection could the one pass to the other through so many nations of different languages and manners? I am rather of opinion, therefore, that Numa's mind was naturally virtuous, and was improved, not so much by science acquired from abroad, as by the severe doctrines and discipline of the ancient Sabines."

piad, it is by a reckoning backward from the Regifuge (which was about the first year of the 68th Olympiad), and by allowing to the seven kings seventeen years a-piece, one with another. Nevertheless, as four or five of these kings were slain, and one deposed, he thinks that, at a moderate reckoning, the seven reigns may be computed at fifteen or sixteen years a-piece. Now, computing them at fifteen years a-piece, we shall bring down the building of Rome to the 41st Olympiad, and, of course, the accession of Numa (allowing to Romulus seventeen years) to the 45th Olympiad; and on this supposition Pythagoras may have been in Italy early enough to be Numa's instructor, before his accession to the throne.

* It is to be observed, that Livy affects no exactness in his reckoning. When he says above 100 years after, if he counts from the death of Numa to the accession of Servius, the space of time is but ninety-four years: if he counts from the beginning of Numa's reign to the accession of Servius, the years are 137, by the old chronology.

As to the want of a common language in which the king and the philosopher might converse, it is to be observed, that Livy, when he relates (after the prior historians) the discovery of Numa's books under ground, does not object to that part of the story which said that seven of those books were written in Greek, but to what Valerius Antias adds, namely, that those Greek books contained the doctrines of Pythagoras. In this (says Livy) Valerius suited his faith to the common opinion, that Numa was a disciple of Pythagoras; a lie which has an appearance of truth: "*Vulgatæ opinioni qui creditur Pythagoræ auditorum fuisse Numam mendacio probabili accommodata fide.*" L. 40. c. 29.

That this lie, if it be a lie, has an appearance of truth, must doubtless be admitted on account of the constancy of the tradition concerning the intercourse between Numa and Pythagoras, and on account of the undisputed conformity of the king's tenets with those of the philosopher. And there is one particular which gives this pretended lie so great an appearance of truth, that I should think we may admit it for a truth without being over credulous.

By Livy's report, Numa's books were discovered under ground in the consulship of Cornelius Cethegus and Bæbius Tamphilus, which, according to the common reckoning, was in the year of Rome 571, or 573. Plutarch and Pliny place this discovery in the same consulship, and Pliny reckons 535 years from the beginning of Numa's reign to this discovery of his books, which reckoning places the latter in 573 of Rome, supposing Numa's reign to begin with the 39th of the city. L. 13. c. 13.

It being certain, as was before observed, that Numa's tenets resembled those of Pythagoras, they must without question have been contrary to the religion which had been long established by law, at Rome, when his books were found; and accordingly these were, by order of the senate, burnt as heterodox: so Livy informs us; but at the same time tells us, that, before they were burnt, they had been read by so many persons, that they were in a manner public: now, though Livy cites no authority on this occasion but Valerius Antias, we learn from Pliny, that the historians Lucius Piso Censorius, and Cassius Hemina (who adhered to the old tradition), reported that Numa's books contained the tenets of Pythagoras. And these authorities are very considerable in this case: because Piso being a tribune of the people in the consulship of Manilius and Censorinus, about thirty-three years after finding the books; and Cassius Hemina flourishing in the consulship of Cornelius Lentulus and Mummius Achaicus, about Cic. in Brut. et l. 11. de Off. Censorius, c. 17.

thirty-seven years after the same discovery; those two historians were near enough to the time of the discovery, to have very good means of informing themselves concerning the contents of the books, from some of the many persons who had perused them.

Ovid, in his 15th book of *Metamorphoses*, represents Numa as instructed by Pythagoras, which shews at least that this was still the popular and prevailing opinion at the time of Augustus.

The aim of all that has been said on the subject of Pythagoras, is to shew, that Sir Isaac Newton's computations, which bring down Numa to the time of Pythagoras, have the support of traditional and historical facts.

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TULLUS HOSTILIUS.

Liv. l. 1.
c. 22.

To this third king of Rome the historians allot a reign of thirty-two years, and he is represented to us as a prince of a more fierce, restless, enterprising spirit than even Romulus, and as seeking every where pretences for war: "*Ferocior etiam Romulo fuit: tum ætas viresque, tum avita quoque gloria animum stimulabat—undique materiam excitandi belli quærebat.*" Yet the reduction and demolition of Alba in the beginning of his reign, and one victory which he soon after obtained over the Sabines, are the whole sum of his military exploits.

Not long after his victory he is seized with some lingering distemper, his spirit sinks, he falls into superstition, and is killed by Jupiter for not performing a sacrifice in due form [that is to say, is privately murdered by Ancus Martius, who succeeded him].

If Livy, after this account of him, had not told us that he reigned thirty-two years, we should hardly have imagined that he reigned two.

ANCUS MARTIUS.

THOUGH more action be ascribed to this king, whose character is both martial and pacific, than to his predecessor, it does not seem that all his performances could require a fourth part of the twenty-four years that are given to his reign.

This remark, however, and that made on the history of Tullus Hostilius, are not offered as sufficient proofs that these kings did not reign thirty-two and twenty-four years respectively, but only as probable arguments, which in conjunction with others will have a degree of force. And thus much at least is certain, that the reigns of these two kings may have been very short, notwithstanding any achievements ascribed to them.

TARQUINIUS PRISCUS.

THE historians represent the elder Tarquin as very rich when he comes first from Hetruria to Rome, as very prosperous in war after his ascending the throne, and as having a taste for magnificence. This taste, and his ability to gratify it, carry him to design and begin several great works. He does not live to finish these, nor even to make any considerable progress in them, which affords some ground to conjecture that he did not reign thirty-eight years. But, without laying any greater stress on this argument than it will bear, I proceed to another of more force with regard to the present purpose.

Whether this fifth king of Rome was the father or the grandfather of Tarquinius Superbus, the seventh king, is a question considered, and with full confidence determined by Dionysius. He decides, contrary to the report of Fabius, and all the other prior historians (except L. Piso), that Priscus was the grandfather of Superbus, and he imputes the supposed error of the historians from whom he differs, to their not being aware of the absurdities in which their opinion involved them.

Those absurdities he thus exposes:

It is agreed that Priscus with his wife Tanaquil came to Rome in the time of Ancus Martius.

Gellius places the arrival of Priscus in the first year of king Ancus; Licinius in the eighth: but both agree, that he was employed as general of the horse to Ancus, in the ninth year of his reign: the arrival therefore of Priscus at Rome could not be later than the eighth of Ancus.

As Priscus, before he came to Rome, had aspired to dignities and high offices in his own country, he was doubtless twenty-five years old when he arrived: and as, after his arrival, Ancus reigned seventeen years and Priscus thirty-eight, Priscus was eighty when he died.

Tanaquil was probably five years younger than her husband, consequently seventy-five at the time of his death.

She cannot be supposed to have born children after the age of fifty.*

Aruns, the brother of Superbus, was two years younger than he; consequently, if Superbus was the son of Tanaquil, she

* Mr. Bayle observes, that Dionysius, by making Brutus to be the son of Tarquinia, a daughter of Tanaquil, has fallen into one of the absurdities he imputes to those who differ from him concerning the birth of Tarquin the Proud; for by his own way of reasoning it will appear, that Tanaquil must have been fifty-four when she bore that daughter.

could not be more than forty-eight when she bore him. And if so, Superbus must have been at least twenty-seven when his father died, his mother being then seventy-five.

But if Superbus was twenty-seven when his father Priscus died, then, as Servius Tullius the successor of Priscus reigned forty four-years, Superbus must have been seventy-one at the time of his own accession to the throne; and as he reigned twenty-five years, he must have been ninety-six at the time of his dethronement. And as, after his dethronement, he maintained a war against the Romans fourteen years, he must have lived to the age of 110.

Now (says Dionysius) would Tanaquil (the wife of Priscus), had she been the mother of Superbus, have placed a stranger on the throne preferably to her own son, if her own son had been of an age to govern? A stranger, who was but three years older than her son? (For Servius Tullius was then but thirty.) Or would Superbus, a man of so much spirit, have quietly suffered it?

Can we believe that Superbus was seventy-one years old, when with so much strength and vigour he seized Servius Tullius by the waist, hurried him in his arms through the senate-house, and cast him headlong from the top of the steps at the entrance of it?

Or is it credible, that he was ninety-six years of age, when, at the head of an army, he performed all the functions of a general, as it is agreed he did, in the siege of Ardea, at the time of his dethronement?

Or, since it is agreed, that Superbus, after his dethronement, maintained a war against the Romans fourteen years, and was in every action of that war, can it be admitted that he was ninety-six when that war commenced? Could he possibly keep the field till he was 110?

These things, says Dionysius, are incredible: and hence he concludes, that the second Tarquin was the grandson, and not the son of the first.

But, notwithstanding all the force of this reasoning, we do not find that Plutarch was convinced by it. He only tells us, that Superbus was either the son or grandson of Priscus, without declaring for either opinion.

And Livy, who, being no stranger to the reasons which determined Dionysius, says, the matter is not clear, yet declares that he adheres to the opinion, that Superbus was the son of Priscus.*

*Hic L. Tarquinius Prisci Tarquini regis filius, neposne fuerit, parum liquet: pluribus tamen auctoribus filium ediderim. L. i. c. 46.

Now which way can we account for Livy's rejecting the conclusion in Dionysius's argument, but by supposing that he did not believe what he himself, as well as Dionysius, relates, namely, that Priscus reigned thirty-eight years, Servius Tullius forty-four, and Tarquin the Proud twenty-five? Indeed, as Livy does not say in what year of King Ancus Martius Priscus arrived at Rome, it is possible, he might, in his own mind, place that arrival some years later than Dionysius (following Licinius) has done; in which case Superbus need not have been twenty-seven years old when his father died. Yet, since Livy represents Priscus so great a favourite of Ancus as to be by him left guardian of his children, the historian could not but allow a considerable time for Priscus to ingratiate himself with the king to that degree. Let us suppose that Priscus came to Rome about six years only before the death of Ancus, the consequences will be, that Superbus was at least seventeen when he lost his father, eighty-six when dethroned, and near 100, at the battle of the Regillus, in which battle (according to Livy) he rode briskly up to attack the Roman general hand to hand.

"Is it not astonishing (says Mr. Bayle) that, considering the absurdities which attend the supposition that Superbus was the son of Priscus, Dionysius could find but one writer who makes him the grandson? This writer was Lucius Piso, whose opinion Dionysius has adopted. Livy had not the same discernment: he has chosen to follow the crowd of authorities, and thereby loaded himself with a heap of difficulties that dishonour his memory." Artic. Tanaquil. (F.)

This charge upon Livy of wanting discernment I apprehend to be entirely groundless. Supposing him to believe that the Roman chronology was true, he could not but be aware of the insuperable objections to his opinion concerning the birth of Superbus. But I take the case to be this. That Superbus was the son of Priscus is a simple fact, which could easily be preserved by tradition; much more easily than the ages of successive kings, or the number of years they reigned. Tradition universally supported that simple fact, that there was nothing to bring the truth of it in question, but such reasonings as Dionysius has employed, founded on the received but uncertain chronology of the regal state of Rome. Livy believed the fact, and did not believe the chronology; yet, knowing that it would be unpopular and offensive, should he, in his history, lower the antiquity of the Roman state explicitly and expressly, he has avoided that, and, at the same time, by declaring for the opinion, that Superbus was the

son of Priscus, has discovered to his attentive readers his disbelief of the chronology commonly received.*

Nor is it only by relating facts, inconsistent with the truth of the common chronology, that he discovers his disregard to it, but by one of his reckonings. For in l. 1. c. 40. he speaks of the thirty-eighth year of Tarquinius Priscus as being almost 100 years after the reign of Romulus, though by the common chronology it was 137 years after Romulus's death.

It is remarkable, that Livy does not tell us how long any one of the Roman kings lived; nor does he mention the lengths either of the lives or reigns of the fourteen Latin kings who preceded them.

With regard to several of the kings of Rome, I should conjecture, that the first annalists, who pretended to fix the number of years which each of them reigned, did, either through mistake or design, give the lengths of their lives for the lengths of their reigns. What has been already remarked concerning Romulus and Tullus Hostilius affords some ground for this conjecture; and the history of Servius Tullius seems to favour it with regard to him; or at least to furnish a very good argument for shortening the duration of his government.

SERVIUS TULLIUS.

DIONYSIUS tells us in the very beginning of his history of Servius's reign (and he plainly speaks of the beginning of this prince's reign), that the patricians being much dissatisfied to find, that Servius, having taken the reins of government into his hands only as a regent, intended to hold them as a king, came to this reso-

* Virgil seems to have noted the like part in making *Æneas* and *Dido* contemporary. Without giving offence, he has covertly insinuated, that the reckonings of the chronologers were very erroneous. Mr. Rollin (*Hist. Anc.* vol. i. p. 238. 242.) seems to admit that Carthage was built by *Dido* 883 years before the Christian era, and 300 years after the fall of *Troy*, and the voyage of *Æneas*: and he supposes Virgil to have known himself guilty of a great anachronism, in bringing *Æneas* and *Dido* together; yet, with many others, he excuses the poet by the doctrine of poetic licence, "it being (he says) a great beauty, in the *Æneid*, to represent the implacable enmity between Rome and Carthage as taking its rise in the remotest origin of the two states." But, in reality, is Virgil more excusable than a modern poet would be, who should imagine a war between Constantine the first Christian emperor, and Mahomet the founder of the Mussulman religion? Would any body pardon such a licence on account of any beauties whatsoever? Surely reason will carry us to believe, that Virgil knew he was not guilty of any considerable anachronism with regard to *Æneas* and *Dido*.

The Jesuits Catrou and Rouillé, who likewise take for granted that *Æneas* and *Dido* lived at a great distance of time from each other, and that Virgil knew it, yet observe, that none of the critics who were contemporary with Virgil, or who lived after him, till Macrobius's time [in the end of the fourth century], ever charged him with any anachronism. And they further observe, that Cedrenus and several other historians have brought *Æneas* and *Dido* under the same roof.

lution; that the very first time he assembled the senate, they would oblige him to lay down the fasces and all the other ensigns of royalty, and would choose inter-kings, in order to proceed to a legal election of a successor to Tarquin: that Servius being apprized of their design, applied himself to gain the people to support him; and that, to this end, having assembled the people, he promised, among other benefits, to ease them with regard to the public taxes, by assessing every one in proportion to his substance, it being unreasonable (as he said) that the poor should contribute equally with the rich to the expenses of the state. Servius, in consequence of his promise, when they had chosen him king, and he had made some previous regulations, instituted the census, dividing the citizens into classes and centuries, &c. by which institution the burden of the taxes was thrown all upon the great and the rich.

As the senate obstinately refused to confirm the people's choice of Servius to be king, and as Servius depended wholly on the people's affections for the preservation of his authority, is it reasonable to suppose, that he put twenty-four years' distance between so important a promise and the performance? Now if the census, which was to be renewed every five years, and to be always closed by a lustrum, was instituted in the beginning of Servius Tullius's reign, how came it to pass that there were no more than four lustra during the forty-four years of this prince's administration? That this was the number of lustra in Servius's time, Pighius (p. 48.) says, may be collected from the Capitoline marbles; and we also have Val. Maximus's authority for it, b. 4. Would Servius neglect the observance of his own institution? An institution that was his masterpiece of policy, and his chief glory? To have four lustra in his reign required strictly but sixteen years, the first lustrum being at the time of the institution; and should we suppose that he was killed just before a new census should have been taken, still the four lustra could demand but twenty years. And this therefore is as long a space of time as can reasonably be allowed for his reign.

It must be confessed, that Livy, in his account of Servius Tullius, differs considerably from Dionysius, and, upon the whole, is more consistent, and more worthy of credit.* The Latin

* The ingenious author of *The Dissertation on the Uncertainty of the Roman M. de . History* has, with great judgment, compared the differing accounts given by the two Beaufort. historians of Servius's reign; and has clearly shewn, that Livy's is the more credible, not only with regard to the disposition of the senate towards the king at the time of his accession, but with regard to that plan of republican government, which the king had formed some time before he died. Dionysius would have us believe, that

historian reports, that Servius took the crown with the consent of the fathers. And if we consider, that, by the institution of the census, and the *centuriate comitia*, the king threw all the power of the general assemblies into the hands of the nobles, it is not very probable, that the nobles were his enemies. It seems more probable, that when he possessed himself of the throne, he did it in concert with the senators, and that he engaged them to support him by letting them into the secret of his intentions.

Be this as it will, it was absolutely necessary that Servius, in order to a quiet possession, should conciliate to him by some speedy measures both senate and people. And this we find he did by his new regulation of the government, pleasing the ambition of the nobles, and relieving the indigence of the plebeians. His situation, I say, required that his measures to gain the hearts of his subjects should be speedy; and therefore it is not to be questioned, but his institution of the census, and his division of the citizens into classes and centuries, &c. were in the beginning of his reign. And, if so, I ask again, how came it to pass, that there were no more than four lustra in forty-four years? It is against all reason to suppose, that the king neglected an institu-

the senators combined with Tarquin the Proud to destroy Servius, because this latter intended to change the government into a democracy. Now it is manifest from the king's own establishments, that he preferred aristocratical government to democratical. And therefore what Livy reports is highly credible, that the meditated change regarded only the monarchy. "Id ipsum tam mite ac tam moderatum imperium, tamen, quia unus esset, deponere eum in animo habuisse quidam auctores aunt." (l. 1. c. 48.) The same historian relates, that when two annual consuls were first created to govern the state, this creation was according to the plan of Servius Tullius. "Duo consules inde comitiis centuriatis à præfecto urbis ex commentariis Servii Tullii creati aunt." (l. 1. c. 60.) What was it then that induced the senators to side with Tarquin, since Servius's new plan of government was so favourable to their ambition? Livy has answered this question. They were dissatisfied with the division which the king had made of the public lands among the people. For though he did not think it expedient that the lower sort should govern, yet he thought it reasonable they should live free, and be made easy in their inferiority; whereas it was the constant policy of the nobles of Rome to keep the commons in indigence, and of course in a slavish dependence. Tarquin seized the favourable opportunity of the senate's fit of anger, suddenly to perpetrate the murder of Servius, and seat himself on the throne. Yet we find, that the usurper, when he had got power in his hands, and when the anger of the senate against Servius was subsided, would not trust to their good-will to support him in possession: he would not put his crown to the hazard of an election. He did not seek to be elected king by the senate more than by the people. Supported by foreign troops, he deprived both orders of their privileges, cruelly oppressed the nobles, but soothed the plebeians (as more to be dreaded on account of their greater strength) by his liberalities, and by sharing among them the rich spoils acquired in war. See Hist. b. 2. c. 7. §. iii. The nobles languished after that liberty and authority of which Servius had given them a taste; and the shocking atrocious deed of Sextus Tarquinius, which awakened the people, and made them thoroughly feel the slavery they were in, furnished the nobles with an opportunity of drawing them at once into measures for recovering the common freedom. This seems to be the true state of things with regard to Tarquin and the revolution. And the quick settlement of the new government, without any opposition, sufficiently indicates, that Brutus and his associates went upon a plan already formed, and to which the chief men of the plebeians were no strangers, namely, that of Servius Tullius.

tion of his own invention, and which, giving satisfaction to both orders in the state, gained him their esteem and affection, and established his authority.

TARQUINIUS SUPERBUS.

As to the twenty-five years which this king is said to have reigned, I shall only observe, that if his reign was really of that length (which does not seem improbable, since he began and finished the temple of Jupiter Capitolinus, and the famous common sewers), it aids the argument against the long reign of Servius Tullius. For if Servius reigned forty-four years, and Superbus twenty-five, the latter, let him be the grandson of Priscus, as Dionysius will have it, could not be far from ninety years of age at the battle near the lake Regillus, fourteen years after his dethronement, since he was some years old at the death of Priscus: and, accordingly, the Greek historian gives him that age, and infers from it, that Gellius and Licinius (whom Livy has followed) and all the other historians, who say, that Superbus fought on horseback in that battle, are not to be credited, because a man ninety years old could not fight on horseback. Now surely the juster way of reasoning would have been this: Tradition and history, uncontradicted, tell us that Superbus fought on horseback in the battle near the Regillus; therefore he could not be then ninety years of age: but, according to the common chronology, which gives forty-four years to the reign of Servius Tullius, and twenty-five to that of Superbus, the latter was ninety years old at that battle; consequently the common chronology is false.

It appears, that Dionysius (a critic by profession) had laid it down as a fundamental principle, that the received chronology of the regal state of Rome was true and exact; and therefore, let a fact be never so well attested, he rejects it, if he cannot make it square with that chronology.

Tradition and history said, that Superbus was the son of Priscus; that Superbus fought on horseback at the battle of Regillus; that Collatinus (the husband of Lucretia) was the son of Egerius (nephew of the elder Tarquin). No, says Dionysius, none of these things can be true; for they are not consistent with the long reigns of the kings. He produces no authority against the facts; nor does he know who was the father of Superbus, or the father of Collatinus; but he reasons from the received chronology, and concludes, contrary to all historical testimony, that Superbus was not the son, but the grandson of Priscus; that he

did not fight on horseback at the above-mentioned battle; and that Collatinus was not the son, but the grandson of Egerius.

Livy, on the other hand, though he durst not openly contradict the received chronology, seems to have been fully persuaded, that it was not so well vouched, as many historical facts, that were incompatible with it. He therefore adheres to the facts, and leaves it to such notable critics as Dionysius, to reconcile them with the chronology as well as they can.

As I have ventured thus far in an attempt to support Sir Isaac Newton's opinion concerning the duration of the regal state of Rome, it seems fit, that before I quit the subject I should take some notice of what the learned Dr. Shuckford has said in answer to Sir Isaac Newton's arguments, and in defence of the old chronology.

In the preface to the second volume of his *Sacred and Profane History of the World connected*, he writes thus:

P. xix. "Our great and learned author remarks, that the seven kings of Rome who preceded the consuls reigned one with another thirty-five years a-piece. I am sensible that it may be observed, that the reigns of these kings not falling within the times I am to treat of, I am not concerned to vindicate the accounts that are given of them; but I would not entirely omit mentioning them, because the lengths of their reigns may be thought an undeniable instance of the inaccuracy of the ancient computations, more especially because these kings were all more modern than the times of David; for supposing Rome to be built by Romulus, A. M. 3256 [Usher's Annals], we must begin Romulus's reign 300 years after the death of David, and the lives of men in these times being reduced to what has been esteemed the common standard ever since, it may perhaps be expected, that the reigns of those kings should not be longer, one with another, than the reigns of our kings of England, from William the Conqueror; or of the kings of France, from Pharamond; or of any other series of kings mentioned by our illustrious author: but here I would observe, that these seven kings of Rome were not descendants of one another. Plutarch remarks of these kings, that not one of them left his crown to his son. Two of them, namely, Ancus Martius, and Tarquinius Superbus, were descendants from the sons of former kings, but the other five were of different families.

"The successors of Romulus were elected to the crown, and the Roman people did not confine their choice even to their own country, but chose such as were most likely to promote the public

good. It is evident therefore, that the lengths of these kings' reigns ought not to be estimated according to the common measure of successive monarchs, &c.

"I might remark farther, that there were interregna between P. xx the reigns of several of them.—Each of these interregna might perhaps take up some years. The historians allot no space of time to these interregna, but it is known to be no unusual thing for writers to begin the reign of a succeeding king from the death of his predecessor though he did not immediately succeed to his crown."

We see here that the learned writer, to get rid of the objection, drawn from the course of nature against the long reigns of the seven Roman kings, suggests two considerations by which we may account for them.

I. He observes that the Roman kings were elected, Very true; but it is likewise true, that reigns will naturally be shorter in elective monarchies than in hereditary. And I observe, that this circumstance of election serves our learned writer to account for short reigns when he has occasion so to do. For when he would account for the short reigns of the first kings of Egypt, he has recourse to election.

"The first twelve kings of the Egyptian kingdoms, according P. xi to Sir John Marsham's tables, did not reign full so long" [as the first twelve kings of Assyria, i.e. not full forty years a-piece]. "But it must be remembered, that in the first times the kings of Egypt were frequently elected; and so, many times, sons did not succeed their fathers."

According to Sir John Marsham's tables, the first twelve kings of no one of the Egyptian kingdoms reigned thirty-four years a-piece one with another. And yet these Egyptian kings are supposed to have reigned when men lived to the ages of 400, 300, 200. But, as the learned writer supposes that the Romans were induced by the circumstances of their affairs to elect men, who were in the prime of life, to be their kings, which accounts for the great length of their reigns; so doubtless, he supposes, P. x that the Egyptians, on account of the circumstances of their affairs, elected old men to be their kings, men of about 300, 200, or 180 years old, by which supposition the whole difficulty arising from the short reigns of the first kings of Egypt is removed.

I must here observe, that the learned writer thinks it very reasonable to believe, that the eight first kings of Edom, who reigned between the times of Moses and Saul, might reign above forty-

Vol. ii.
p. 172.

eight years a-piece, one with another [as they are represented to have done], "because it suits very well with the length of men's lives in those times." Now in those times, the lives of men were not half so long as in the times of the first Egyptian kings, who by the tables did not reign thirty-four years a-piece, one with another. And the difficulty which arises from the comparison will not be solved by the supposed election of the Egyptian kings to the throne; because it is pretty evident, that the eight first kings of Edom were elected, not one of them being the son or brother of his predecessor.

Gen.
xxvi.

To return to the kings of Rome: the learned writer observes,

II. That, "between the reigns of several of the Roman kings, there were interregna, and that each of these interregna might perhaps take up some years, and that the historians allot no space of time to these interregna."

Now Livy tells us expressly, that the interregnum which followed the death of Romulus was of one year,* and the reason he gives for its being then terminated, was the jealousy of the people, who apprehended an intention in the senate to reduce the government to an aristocracy; a reason which would naturally operate with like force in all future interregna.

Upon the death of Numa, the same historian relates that there was an interregnum,† and that then Tullus Hostilius was chosen king, but says nothing to make us think that the interregnum lasted longer than was necessary for the ceremony of the election.

After the death of Tullus Hostilius it would seem by Livy's words,‡ that there was but one interrex before a successor to the crown was chosen.

After the death of Ancus Martius we are told by the same historian,§ that Tarquin, who was left guardian to the sons of Ancus, brought on the election of a successor with all expedition, and got himself chosen king.

After the death of Tarquin there was no interregnum. Nor after the death of Servius Tullius.

N. B. The learned writer takes no notice that most of the seven kings of Rome were slain, and one deposed.

* Annum intervallum regni fuit. L. 1. c. 17.

† Numæ morte ad interregnum res rediit. Inde Tullum Hostilium—regem populus jussit. c. 22.

‡ Mortuo Tullo, res, ut institutum jam inde ab initio erat, ad patres redierat, hique interregem nominaverant. Quo comitia habente, Ancum Martium regem populus creavit. c. 32.

§ Jam filii [Anci] prope puberem ætatem erant. Eo magis Tarquinius instare, ut quibus ætatem comitia regi creando fierent. Quibus indictis, sub tempus pueros venatum ablegavit. c. 35.

As the learned writer, though the Roman kings did not fall within the times he was to treat of, judged it proper nevertheless to take notice of what Sir Isaac Newton has remarked concerning those kings, "Because the length of their reigns might be thought an undeniable instance of the inaccuracy of the ancient computations," perhaps I may be excused, if, for a like prudential reason, I take notice of some things which the learned writer has said in support of the ancient computations, with regard to the kingdoms of Egypt, Sicyon, and Argos. For though these computations may be true, and that concerning the duration of the regal state of Rome be nevertheless false; yet if it appears that the former cannot be supported with any show of argument, this will certainly go a great way towards discrediting the latter, as it will give ground to suspect that the profane chronology regarding the most ancient times has been all conjectural and technical.

"The catalogues of kings (says Dr. Shuckford) which our great and learned author produces to confirm his opinion, are all of later date, some of them many ages later than the times of David.

"It cannot be inferred from these reigns of kings mentioned by Sir Isaac Newton, that kings did not reign one with another, a much longer space of time in the ages which I am concerned with, in which men generally lived to a much greater age, than in the times out of which Sir Isaac Newton has taken the catalogues of kings which he has produced.

"From Abraham down almost to David, men lived, according to the Scripture accounts of the lengths of their lives, to I think at a medium above 100 years, exceeding that time very much in the times near Abraham, and seldom falling short of it, until within a generation or two of David; but in David's time the length of human life was, at a medium, but seventy years: now any one that considers this difference, must see, that the lengths of kings' reigns, as well as of generations, must be considerably affected by it. Successions in both must come on slower in the early ages according to the greater length of men's lives.

"I am sensible I could produce many catalogues of successions from father to son, to confirm what I have offered; but since there is one which takes in almost the whole compass of the times which I am concerned in, and which has all the weight that the authority of the sacred writers can give it, and which will bring the point in question to a clear and indisputable conclusion, I shall for brevity's sake omit all others, and offer only that to the reader's farther examination. From Abraham to David (including both Abraham and David) were fourteen generations: now from

* Ant.
Chr.
1996.
† Ant.
Chr.
1018.

Abraham's birth A. M. 2008* to David's death about A. M. 2986† are 978 years, so that generations in these times took up one with another near seventy years a-piece, i. e. they were above double the length which Sir Isaac Newton computes them, and which they were (I believe) after the times of David. We must therefore suppose the reigns of kings in these ancient times to be longer than his computation in the same proportion, and, if so, we must calculate them at above forty years a-piece one with another; and so the profane historians have recorded them to be: for according to the lists we have from Castor of the ancient kings of Sicyon and Argos, the first twelve kings of Sicyon reigned more than forty-four years a-piece one with another, and the first eight kings of Argos something above forty-six, as our great author has remarked.

"But the reigns of the first twelve kings of Sicyon extended from A. M. 1920 to A. M. 2450,‡ so that they began eighty-eight years before the birth of Abraham, and ended in the times of Moses.

"And the reigns of the first eight kings of Argos began A. M. 2154, ended A. M. 2525, so that they reached from the latter end of Abraham's life to a few years after the exit of the Israelites out of Egypt.

"And let any one form a just computation of the length of men's lives in these times, and it will in nowise appear unreasonable to imagine, that the reigns of kings were of this length in these days.

P. xix. "I might observe, that the ancient accounts of the kings of different kingdoms in these times agree to one another, as well as our great author's more modern catalogues," &c.

I. We see here, that the learned writer would have it granted him, and reasons all along upon the supposition that it will be granted him, that the first named kings of Sicyon and Argos in the old catalogues reigned in the times he is concerned with, that is, in the times of longevity: and he seems not to be aware, that this is begging§ the very question in dispute, and that while he begs the question he furnishes reasons to reject his petition. He very

P. xv. justly advances, "that the difference there has been in the common length of human life in the different ages of the world, must have had a considerable effect upon the length of both reigns and

‡ By this reckoning the reigns of the twelve kings took up 530 years. But Dr. Shuckford, vol. ii. p. 41. gives only thirty-eight years a-piece to the first six kings, the whole time 228 years: so that the second six must have reigned above fifty years a-piece one with another, the whole time 302 years.

§ Mr. Whiston has made the same *petitio principii*.

generations, both which must be longer or shorter in this or that age, in some measure according to what is the common standard of the length of men's lives in the age they belong to." But this undoubted truth furnishes an argument irresistible against the long reigns of the kings in the catalogues above mentioned.

Sir Isaac Newton has never said, that twelve kings of Sicyon, of whom the first began to reign in A. M. 1920 (*Ant. Chr.* 2084) might not reign forty-four years a-piece one with another; or that eight kings of Argos, of whom the first began to reign A. M. 2154 (*Ant. Chr.* 1850) might not reign forty-six years a-piece: but all his reasonings tend to prove, that the kingdoms, said to have commenced at those periods, did not then commence; that Ægialeus did not begin to reign in A. M. 1920, nor Inachus in 2154, but many centuries after those dates, and in the times of short life.

As to Ægialeus, Sir Isaac Newton has sufficiently shewn by ^{p. 169,} authorities, that he was the son of Inachus and brother of Phoroneus, who is counted the second king of Argos: the beginning of which kingdom was consequently prior to that of Sicyon. And he has likewise shewn it to be highly probable, that Apis the fourth king of Sicyon, and Epopeus the seventeenth king in the catalogue, were one and the same person, and that the twelve kings, inserted between those two names, were imaginary. The judicious Mr. Stanyan, in his Grecian History, seems much disposed to adopt this opinion. And even Mr. Whiston confesses (p. 983), that "the series of kings of Sicyon is more suspected by the learned, than almost any that pretends to be very ancient; and that there are not wanting some plausible arguments against it."

I shall therefore take no farther notice of the Sicyonian kings, but apply Sir Isaac Newton's method of reasoning from the course of nature, to the succession of kings at Argos, of whom the eight first are said to have reigned above forty-six years a-piece one with another.

It is held by some learned men, that the life of man became reduced to the present standard in the time of Moses; others defer it to within a generation or two of David.

Moses at eighty years of age came out of Egypt in the year *Ant. Chr.* 1491.

David died, at about seventy years of age, A. M. 2986, *Ant. Chr.* 1018. He was therefore born about *Ant. Chr.* 1087.

The time between the Exodus and the birth of David is 404 years.

Let us take the middle number 202, and add it to 1087, and this will carry us back to Ant. Chr. 1289.*

During these 1289 years, preceding the Christian era, we are authorized by Sir Isaac's catalogues to compute (when there is no certainty) the reigns of any considerable number of kings in succession at about twenty years a-piece one with another.

Let us then accept Sir Isaac's allowance of 340 years (instead of 622) for the reigns of the seventeen kings, ending with Leonidas, who was slain in the year Ant. Chr. 480.

If to these 480 years we add the 340, this will carry us back to the year 820 Ant. Chr. the time of the return of the Heraclides into Peloponnesus, and the beginning of the reign of Eurysthenes the first of the seventeen kings of Sparta of that race.

It is generally admitted, that the beginning of the reign of Eurysthenes (who ejected Tisamenus* the son of Orestes and grandson of Agamemnon) was eighty years after the fall of Troy. These 80 years being added to the 820, we are got to the year 900 before Christ, the year when Troy was taken.

Agamemnon king of Mycenæ (who was slain just upon his return from Troy) is given us for the nineteenth king in succession from Inachus, the first king of Argos (Perseus the fifteenth king of Argos having removed the regal seat from Argos to Mycenæ).

Now supposing all these nineteen kings in succession to have really existed,† yet if we allow them but twenty years a-piece one with another (and there is no reason to allow them more, for

* N. B. Tisamenus was king of Argos, Mycenæ, and Sparta, when the Heraclides dethroned him.

† Mr. Stanyan mentions the following kings of Argos, as said to have reigned in succession.

Inachus, Phoroneus, Apis, Argus, Criasus, Phorbas, Iasus, Crotopus. But as to Apis, he tells us (p. 19), it is not generally assented to, that there was such a king of Argos. And in p. 22, he has these words: "As Iasus is not generally reckoned in the number of these kings, so it is doubted whether Phorbas and his son Triopas ought not to be excluded, it being said that they fled from Argos to the island of Rhodes: and the same doubt has been raised concerning Crotopus, because he is likewise said to have left Argos and to have built a new city for himself in Megaris."

I observe that Sir Isaac Newton (p. 170), by placing the beginning of the reign of Phoroneus, the second king of Argos, about the twelfth of Samuel, or Ant. Chr. 1088, supposes that at least eight or nine of the kings in the Argive catalogue were fictitious. In p. 172, he has these words: "Aousilaus wrote, that Phoroneus was older than Ogyges, and that Ogyges flourished 1020 years before the first Olympiad.—But Aousilaus was an Argive, and feigned these things in honour of his country.—Inachus might be as old as Ogyges, but Aousilaus and his followers made them 700 years older than the truth; and chronologers, to make out this reckoning, have lengthened the races of the kings of Argos and Sicyon, and changed several contemporary princes of Argos into successive kings, and inserted many feigned kings into the race of the kings of Sicyon." If Sir Isaac Newton had not cut off eight or nine of the kings of Argos, he could not have placed Phoroneus so late as 1088 by his own method of computation.

we are not yet got to the times of longevity), the sum will be 380, which being added to 900, carries us back to the year 1280 before Christ, about which time we have supposed the life of man to have been first reduced to the present standard. And this brings down the commencement of the kingdom of Argos 570 years later than where it is placed by the old chronology.

But as we have here supposed, what perhaps many persons will not grant, that the life of man was brought to the present standard 202 years before the birth of David, let us fix the date of this abbreviation of human life at only forty years before David's birth, and then it will be in the year before Christ 1127. This is I think as low a date as any body contends for; at least Dr. Shuckford will be content with it.

Of the nineteen kings it will require eleven, at about twenty years and a half a-piece, to carry us up from the death of Agamemnon (which, by the foregoing computation, happened about the year before Christ 900) to the fortieth year before David's birth, Ant. Chr. 1127: and consequently, if we will adhere to the pretended date of the commencement of the kingdom of Argos, viz. Ant. Chr. 1850 (or A. M. 2154), we must suppose the eight first kings to have reigned above ninety years a-piece one with another, and their reigns to have taken up 723 years; for this is the number that must be added to 1127 to make 1850.

But if the eight first kings of Argos reigned ninety years a-piece one with another, what the learned writer advances in the following passage concerning monuments, stone-pillars, and inscriptions, can have no foundation.

"As to our illustrious author's arguments from the length of reigns: I might have observed that it is introduced upon a sup-^{Ref. P. liv.} position which can never be allowed, namely, that the ancient chronologers did not give us the several reigns of their kings as they took them from authentic records, but that they made the lengths of them by artificial computations, calculated according to what they thought the reigns of such a number of kings as they had to set down, would at a medium one with another amount to: this certainly never was fact; but as Acusilaus, a most ancient historian mentioned by our most illustrious author, wrote his genealogies out of tables of brass, so it is by far most probable that all the other genealogists who have given us the lengths of lives or reigns of their kings or heroes, took their accounts either from monuments, stone-pillars, or ancient inscriptions, or from other antiquaries of unsuspected fidelity, who had faithfully examined such originals."

To this I farther answer,

See
Sir I. N.
Chron.
p. 169.

I. If these genealogists were so faithful and had such good vouchers, whence came "those repugnances in their chronological canons (mentioned by Plutarch) which hundreds of authors correcting have not been able to constitute any thing certain in which they could agree?" For instance, how came *Ægialeus*, king of Sicyon, to be, according to some chronologers, 234 years, and, according to others, above 500 years older than *Phoroneus* king of Argos, when "Acusilatus, Anticlides, and Plato, accounted *Phoroneus* the oldest king in Greece; and *Apollodorus* tells us, *Ægialeus* was the brother of *Phoroneus*?"

II. Dr. Shuckford, in another part of his work, seems to admit that the ancients made use of an artificial chronology; as appears by the following passage, vol. i. p. 207.

1. "He [Sir John Marsham] observes from *Diodorus*, that *Menes* was succeeded by fifty-two kings whose reigns altogether took up the space of above 1400 years. In all which time the Egyptians had done nothing worth the recording in history.

2. "He supposes these 1400 years to end at *Sesostris*; for *Herodotus* is express that the first illustrious actions were done in Egypt in the time of *Sesostris*; before *Sesostris*, says he, they had done nothing famous; and *Diodorus* says that *Sesostris* performed the most illustrious actions, far exceeding all before him.

3. "He supposes, with *Josephus*, that this *Sesostris* was *Sesac*, who besieged Jerusalem in the fifth year of *Rehoboam*, king of Judah, about A. M. 3033.

"The only difficulty in this argumentation will be, that it places *Menes* or *Mizraim* above a century earlier than his true age; for if we reckon backward 1400 years, from the year before named [3033] in which *Sesac* besieged Jerusalem, we shall place *Mizraim* A. M. 1633, i. e. twenty-three years before the flood, and 139 years earlier than the true time of his reign, which began A. M. 1772; but this difficulty may be easily cleared: the number 1400 years is a mistake: *Diodorus* says expressly, that there were but fifty-two kings from *Menes* to the time where *Sesostris*'s reign is supposed to begin;* and according to Sir John Marsham's tables of the Theban kings, from *Menes* to *Sesostris* is but 1370 years, though we suppose *Sesostris* the fifty-

* "According to *Diodorus*, *Sesostris* was about eighty successions after *Menes* or *Mizraim*. *Diodorus* must indeed have made a mistake in this computation, for from the death of *Menes* A. M. 1943 to *Sesac* about A. M. 3033 are but 1090 years, and fifty-five successions may very well carry us down thus far," &c. Pref. p. xxxi. vol. ii.

fifth king from Menes, and even this number is too great, if, as Diodorus computes, there were fifty-two kings only.

“The ancients generally allowed about thirty-six years and a half to the reign of a king [when they made use of an artificial chronology], and therefore if we deduct three times thirty-six years and a half, or about 110 years from 1970 (the number of years between Menes and Sesostris, according to Sir John Marsham’s tables), I say, if we deduct three times thirty-six years and a half, or about 110 years (supposing those tables to have the names of three kings too many, the number of kings being, according to Diodorus, fifty-two, and not fifty-five), we shall then make the space of time between Menes and Sesostris about 1260 years; and so it really is according to the Hebrew chronology, Menes beginning his reign, as we before said, anno mundi 1772; and Sesostris or Sesac besieging Jerusalem in the fifth year of Rehoboam, anno mundi 3033.”

I cannot but observe here, that the learned writer, who in imitation of the ancients makes use of an artificial chronology, has in the present instance employed it somewhat unluckily; for supposing he might have allowed 110 years to three reigns in any other succession of ancient kings, he has no right to make that allowance here, where the reigns of the fifty-two kings filling only 1260 years, they could reign but about twenty-four years a-piece one with another. And indeed the shortness of these reigns furnishes a good argument against that catalogue of fifty-two kings (as well as Diodorus’s eighty kings), and against the learned writer’s opinion concerning the ancient chronologers, that they took their successions of kings, and the numbers of years which each of them reigned, from authentic records.

For is it not highly incredible that fifty-two Egyptian kings beginning with Mizraim, and reaching through the times of longevity from A. M. 1772 to 3033, should reign but three or four years a-piece one with another longer than the like number of successive kings in modern kingdoms? A consideration that seems sufficient to overthrow all imaginary tables of brass, stone-pillars, monuments, inscriptions, &c. recording the succession of those fifty-two kings or fifty-five kings between Mizraim and Sesostris.*

Or, if it be credible that the reigns of fifty-two kings of Egypt in succession from Mizraim took up but 1260 years, is it not im-

* See in p. xlix. the citation from Mr. Whiston.

probable, that the reigns of thirty-nine kings in succession, from Inachus, took up 1970 years;* that if the former kings reigned but about twenty-four years a-piece one with another, the latter should reign thirty-five; especially if we consider that the reign of Mizraim is supposed to have begun 382 years before the reign of Inachus, and but 116 after the flood?

Ant.
Chr.
2232.

Arphaxad was coeval with Mizraim. Now had Arphaxad established a kingdom A. M. 1772, and the crown had gone in lineal descent, it is probable there would not have been more than fifteen kings in 1260 years, i. e. from the beginning of Arphaxad's reign to the time of Sesostris, who was contemporary with Solomon. For from Arphaxad to Solomon (both included) there were but twenty-three generations: and, during the first nine generations, there would have been but three kings, Arphaxad, Salah, and Eber: for Eber outlived Abraham, the seventh in descent from him.

And it is to be observed, that these three reigns would have taken up 415 years (there being from A. M. 1772 to A. M. 2187, the year when Eber died, exactly that number), whereas in no series of Egyptian reigns in Sir John Marsham's tables, do the twelve first take up more than 407 years.

And as to the fourteen generations, beginning with Isaac and ending with Solomon, it is probable they would not have furnished more than twelve kings: for while the life of man was shortening from 180 years to 70, fathers would frequently outlive their sons, and the reigns would be fewer than the generations.

But supposing a king for each of the fourteen generations from Isaac to Solomon (both included), the whole number of kings in 1260 years from Arphaxad to Solomon would have been but seventeen.

That the reigns of fifty-two kings in succession from Mizraim should take up no longer a space of time than twenty-three generations from Arphaxad, has surely at first sight an appearance of improbability. How far the difficulty may be solved by the suppositions of election, rebellion, and king-killing, I shall leave to the reader to consider.

But in the passage above cited (from pref. p. xix.) the learned writer, to support the credit of the old chronologers, observes

* The nineteen kings ending with Agamemnon, the three between Agamemnon and Eurysthenes, and the seventeen beginning with Eurysthenes and ending with Leonidas, make up the thirty-nine. They reign from Ant. Chr. 1850 to Ant. Chr. 480.

farther, that "the ancient account of the kings of different kingdoms agree to one another as well as Sir Isaac Newton's more modern catalogues."

Yes, in some instances, they agree so well, as by their agreement to discover their technical original. For the twenty-two first kings of Thebes, in Sir John Marsham's tables, take up but 676 years, and the twenty-one kings of Alba and Rome take up just the same number, though the first are supposed to have reigned in the times when men lived to the ages of 400, 300, 200, 120, and the other when the life of man was shortened to seventy years.

So, in the times of short life, the twelve kings of Macedonia, from Caranus to Archelaus, reign thirty-four years and a half a-piece. And the eight last of the Latin kings, from Amulius to Tarquin the Proud, reign thirty-five and three quarters.

And in the times of long life, the twelve first kings of Assyria reign about forty years a-piece one with another.

How can these things be made to square with that principle, laid down by the learned writer (pref. p. xv.) that "the difference there has been in the common length of human life, in the different ages of the world, must have had a considerable effect upon the length of reigns, which must be longer or shorter in this or that age in some measure, according to what is the common standard of the length of men's lives in the age they belong to?"

I should think that the great mistake of the annalists who wrote of the first ages after the flood is not in allowing so many as 100 or 120 years to three reigns, but in not allowing more.* They seem to have known nothing of the fact, that men's lives extended to so great a length, during some centuries after the flood, as they are represented to do in Scripture: for had they known this, surely they would never have made their accounts of kings' reigns in the earlier and later ages agree so well together.

As to the long argumentation which the learned writer has employed in support of Ctesias's chronology of the Assyrian monarchs, against Sir Isaac Newton's objections, I shall not enter into any consideration of it; because to my apprehension the learned writer does not seem to be quite satisfied with it himself; nor to have a very advantageous opinion of Ctesias. "We find

Prof.
p. xxii.
to p. liii.

* The fourteen first Egyptian kings of Thebes are said to have reigned 414 years, i. e. from A. M. 1772 to 2186, or till three years after the death of Abraham (who died at the age of 175), and though they lived in these times of longevity, yet they reigned but twenty-nine years some months a-piece; they are not made to reign so long as the fourteen Latin kings, after the fall of Troy, which is supposed to have happened A. M. 2820, 634 years after the last of the fourteen Egyptian kings.

Pref.
p. lli.

(says he) from Scripture, that after Abraham's defeating his armies" [the armies of Chederlaomer], "the Assyrian kings appear not to have had any dominion over the nations between the Mediterranean and the Euphrates: this indeed seems to confine the Assyrian empire within narrower bounds than can well agree with the accounts which the heathen writers give of it; but then it is remarkable, that these enlarged accounts come from hands comparatively modern. Diodorus informs us, that he took his from Ctesias; Ctesias might have the number of his ancient Assyrian kings from the Persian chronicles; but as all writers have agreed to ascribe no great actions to any of them, from after Ninus to Sardanapalus; so it appears most reasonable to imagine, that the Persian registries made but a very short mention of them" [probably none at all]; "for ancient registries afforded but little history, and therefore I suspect, that Ctesias's estimate of the ancient Assyrian grandeur was rather formed from what he knew to be true of the Persian empire, than taken from any authentic accounts of the ancient Assyrian."

And Mr. Whiston says (p. 980), "I desire not to be misunderstood in this place, as if I believed all the strange stories of Ctesias, either as to the beginning or ending of this Assyrian kingdom. I do not depend upon such legendary relations. I have not here set down the several years which each of these kings [in all thirty-two from Belus to Sardanapalus out of Moses Chorenensis] reigned, because it must be acknowledged that the copies differ much about them: and I suspect several mistakes in those particular numbers of successions and of years, though the general sum of the years, within a little more than a century, is well attested by the ancients."

Nor shall I meddle with Sir Isaac Newton's astronomical arguments for fixing the time of the Argonautic expedition (and of course the time of the fall of Troy, which was only one generation later), from the position of the solstitial and equinoctial points on the sphere which Chiron made for the use of the Argonauts. I am too little acquainted with the science of astronomy to speak pertinently on the subject. I shall only observe that Mr. Whiston does not agree with Dr. Shuckford concerning the grounds of the argument.

"The fallacy of this argument (says Dr. Shuckford) cannot but appear very evident to any one that attends to it; for suppose we allow that Chiron did really place the solstices, as Sir Isaac Newton represents (though I should think it most probable that he did not so place them), yet it must be undeniably

plain, that nothing can be certainly established from Chiron's position of them, unless it appears, that Chiron knew how to give them their true place.

—"If indeed it could be known what was the true place of the solstitial points in Chiron's time, it might be known, by taking the distance of that place from the present position of them, how much time was elapsed from Chiron to our days. P. vi.

"But I answer, it cannot be accurately known from any schemes of Chiron what was the true place of the solstices in his days; because, though it is said that he calculated the then position of them, yet he was so inaccurate an astronomer, that his calculation might err four or five degrees from their true position.

Mr. Whiston (p. 991) writes thus:

"As to the first argument from the place of the two colures in Eudoxus from Chiron the Argonaut, preserved by Hipparchus of Bithynia, I readily allow its foundation to be true, that Eudoxus's sphere was the same with Chiron's, and that it was first made and shewed Hercules and the rest of the Argonauts in order to guide them in their voyage to Colchis. And I take the discovery of this sure astronomical criterion of the true time of that Argonautic expedition (in the defect of eclipses) to be highly worthy the uncommon sagacity of the great Sir Isaac Newton, and in its own nature a chronological character truly inestimable. Nor need we, I think, any stronger argument in order to overturn Sir Isaac Newton's own Chronology, than this position of the colures at the time of that expedition, which its proposer has very kindly furnished us withal."

In p. 996: "I now proceed to Eudoxus's accurate description of the position of the two colures as they had been drawn on their celestial globes, ever since the days of Chiron, at the Argonautic expedition, and as Hipparchus has given us that description in the words of Eudoxus."

Again (p. 1002): "Sir Isaac Newton betrays his consciousness how little Eudoxus's description of Chiron's colures agreed to his position of them, by pretending that these observations of the ancients were coarse and inaccurate. This is true if compared with the observations of the moderns which reach to minutes; and, since the application of telescopic sights to astronomical instruments, to ten or fewer seconds. But as to our present purpose this description in Eudoxus is very accurate, it both taking notice of every constellation, through which each of the colures passed, that were visible in Greece: and hardly admitting of an

error of half a degree in angular measures, or thirty-six years in time. Which is sufficiently exact."

How far Mr. Whiston has succeeded in his argumentation about the neck of the swan and the tail of the bear, &c. I must leave to others to consider. I shall only observe, with regard to the last paragraph cited from his discourse, that when Sir Isaac Newton calls the observations of the ancient astronomers coarse, he cannot well be understood to use that word but in a comparative sense, that sense in which Mr. Whiston admits it may be justly used. For otherwise Sir Isaac would not have inferred any thing as certain from those ancient observations. Now, in p. 95, after he has finished his argument from Chiron's sphere, he thus writes :

"Hesiod tells us, that sixty days after the winter solstice, the star Arcturus rose at sunset : and thence it follows, that Hesiod flourished about 'OO years after the death of Solomon, or in the generation or age next after the Trojan war, as Hesiod himself declares.

"From all those circumstances, grounded upon the coarse observations of the ancient astronomers, we may reckon it certain, that the Argonautic expedition was not earlier than the reign of Solomon : and if these astronomical arguments be added to the former arguments taken from the mean length of the reigns of kings according to the course of nature ; from them all we may safely conclude, that the Argonautic expedition was after the death of Solomon, and most probably that it was about forty-three years after.

"The Trojan war was one generation later than that expedition—several captains of the Greeks in that war being sons of the Argonauts," &c.

By the last words here cited, I am brought round again to the point from whence I set out in this discourse, the fall of Troy: the time of which event, if it be rightly settled, or pretty near the truth, by Sir Isaac Newton, the received chronology of the regal state of Rome is totally discredited and overturned. For then the whole space of time, between the taking of Troy and the expulsion of Tarquin the Proud, will not have been above 400 years; and of these nobody, I imagine, will be inclined to give 244 to the seven kings of Rome, most of whom were slain, and but 156 to the fourteen Latin kings their predecessors.

To the probable arguments brought by Sir Isaac for shortening the duration of the regal state, I have added another, taken from

certain traditions which prevailed among the Romans, and of which the chronology, framed afterward, was not able to destroy the belief, though the truth of those traditions was incompatible with the truth of that chronology.

And I have shewn, that in the Roman story there are other particulars repugnant to the received chronology, but perfectly consistent with Sir Isaac Newton's computations.

Tradition and the earliest Roman historians said,

1. That Numa was contemporary with Pythagoras.
2. That Tarquin the Proud was the son of Tarquin the Elder.
3. That Tarquin the Proud was at the head of his army, and fought on horseback in his last battle with the Romans [about fourteen years after his expulsion].
4. That Collatinus, the husband of Lucretia, and created consul on the expulsion of Tarquin the Proud, was the son of Egerius, nephew of Tarquin the Elder.

Now all these facts are inconsistent with the old chronology; and for this reason, and this alone, Dionysius rejects them. Livy, aware of the inconsistency, adheres nevertheless to the three last of these facts, and speaks of the first in such a manner as to make one think he really believed that too. So that he seems to have had little faith in the received chronology, though he durst not openly and expressly contradict it.

On the other hand, all those facts are consistent with Sir Isaac Newton's computations, which shorten the reigns of the kings. And the same computations being admitted, we get rid of other difficulties.

1. We see plainly, why the historians could give no account of any thing done by Romulus after the seventeenth year of his reign, while they tell us that he reigned thirty-seven years.

2. By shortening the duration of Numa's peaceful and religious reign, we can account for that martial disposition, which the Romans still retained, when Tullus Hostilius came to the throne.

3. If we shorten the reigns of Tullus Hostilius, Ancus Martius, and Tarquinius Priscus, we are at no loss for a reason why three such ambitious and active princes did so little.

4. By cutting off about twenty-four years of the forty-four given to the reign of Servius Tullius, we can explain how it came to pass that there were no more than four lustra in his time; which otherwise seems very difficult to be accounted for,

It surely cannot be denied, that there is a great coincidence of circumstances to support Sir Isaac Newton's computations; and

that his computations, if admitted, render credible many historical facts, which are incredible so long as we adhere to the old chronology.

A writer not less distinguished for his depth of thought, and logical exactness, than for his amiable Benevolent fairness in argument, observes, "That evidence arising from various coincidences, which confirm and support each other, is that kind of evidence upon which most questions of difficulty in common practice are determined.—And that probable proofs, by being added, not only increase the evidence, but multiply it."

Supposing it easy to shew, that in the present argument (consisting of Sir Isaac Newton's reasons, and those I have added to them), this or that particular thing, offered in proof, is liable to objection, and of little weight in itself; yet the united force of all the particulars, in one view, may perhaps be irresistible; and certainly the conclusion we make from a view of the particulars, ought to be such as results from their united force.

THE ROMAN HISTORY.

BOOK I.

CHAP. I.

OF THE ORIGINAL OF THE ROMANS, AND THE BUILDING OF ROME.

SECT. I. THE first Romans were of Trojan extraction. **II.** Æneas's voyage to Italy. **III.** The ancient inhabitants of that country. **IV.** Æneas's reception by Latinus, king of Latium. He marries Lavinia the daughter of Latinus, and builds Lavinium. **V.** He succeeds to the kingdom of his father-in-law. **VI.** The death of Æneas, who is succeeded by his son Ascanius. **VII.** Ascanius founds Alba Longa, and yields Lavinium to Æneas Sylvius, the son of Æneas by Lavinia. **VIII.** The Latins upon the death of Ascanius unite Lavinium and Alba into one dominion, which they decree to Æneas Sylvius, but give the sovereign power in affairs of religion to Iulus the son of Ascanius. **IX.** The succession of the kings of Alba from Æneas Sylvius to Amulius, who dethrones his elder brother Numitor. **X.** The birth, education, and adventures of Romulus and Remus. They dethrone Amulius, and restore their grandfather Numitor. **XI.** Numitor sends his two grand-sons to plant a colony. They quarrel about the spot of ground where the new city shall stand. Remus is slain. **XII.** Rome is built.

B. C.
753.

§. I. THAT Æneas came into Italy after the destruction of Troy, and that the founders of Rome were descended from him and his followers, are points of history sufficiently authorized and established. All the Latin historians either expressly relate these facts or suppose them; and many of the Greek, less zealous for the Roman glory, adhere to the same tradition. Dionysius indeed speaks of some ancient writers who will not allow Æneas to have travelled farther than Thrace; of others who make him settle in Arcadia; and again of others, who, admitting that he passed into Italy, and there planted a colony, yet affirm that he afterward went back into his own country, where, they say, he was king of Troy, and at his death left the kingdom to his son Ascanius: but all these opinions are rejected by that critical antiquary, who, upon better authorities, has

D. Hal.
b. 1.
p. 39.

P. 43.

given us the following account of the adventures of the Trojan prince.

P. 36,
et seq.

§. II. WHEN the Greeks, by the treachery of the sons of Antenor, or by whatever other means it happened, were become masters of Troy,^a Æneas with the forces under his command retired into the fortress of the city, and defended it bravely for some time ; but yielding at length to necessity, he conveyed away his gods, his father, wife, and children, with every thing he had that was valuable, and, followed by a numerous crowd of Trojans, fled to the strong places of Mount Ida. Hither all those of his countrymen, who were more anxious than the rest to preserve their liberty, flocked to him from the several towns of Troas. His army thus augmented and advantageously posted, he continued quiet, waiting for the departure of the Greeks, who, it was imagined, would return home as soon as they had pillaged the country. But these, after they had enriched themselves with the spoils of Troy and of the neighbouring towns, turned their arms against the fugitives, resolving to attack them in their strong holds upon the mountain. Æneas, to avoid the hazard of being forced in his last refuge, had recourse to negotiation, and, by his heralds, entreated the enemy not to constrain him to a battle. Peace was granted him on condition that he, with his followers, quitted the Trojan territories : and the Greeks, on their part, promised not to molest him in his retreat, but to let him safely pass through any country within the extent of their domination.

Upon this assurance, Æneas equipped a fleet, in order to seek a settlement in some foreign land. We are told, that at his departure he left his eldest son Ascanius with the Dascylites, a people of Bithynia, who desired

^a Though this account of Æneas's conduct with respect to his country be what D. Hal. esteems the most probable, yet he owns that the historians are of various opinions concerning it ; and he particularly mentions a passage of Meneorates, importing, that Troy was taken through the treachery of Æneas, and that he betrayed it to the Greeks, to be revenged on Paris, who had opposed his having a certain sacerdotal dignity to which he aspired.

to have him for their king; but that the young prince did not remain long with them: for when Scamandrius (Astyanax), with the rest of the Hectoridæ whom Neoptolemus permitted to return home from Greece, repaired to him, he put himself at their head, and led them back to their native country.

The Trojan, having crossed the Hellespont, arrived in the peninsula of Pallene,^b where he built a city, called from him Æneia, and left in it a part of that multitude which had followed him. From thence he sailed to Delos,^c and thence to Cythera, where he erected a temple to Venus. He built another to the same goddess in Zacynthus,^d in which island he likewise instituted games called The Races of Æneas and Venus: "The statues of both (says Dionysius) are standing to this day." In Leucas,^e where the Trojans landed, was to be seen, in the same author's time, a temple erected to Venus the mother of Æneas. Nor were Actium^f and Ambracia^g without monuments that testified his arrival in those places. At Dodona^h were found brazen vases, upon which the name of the Trojan hero, who had made an offering of them to Jupiter, was engraven in old characters. Not far from Buthrotos,ⁱ in Epirus, a Trojan camp, which had escaped the injuries of time, retained the name of Troja. All these antiquities, still subsisting in the reign of Augustus, were then looked upon as indisputable proofs of Æneas's voyage to Epirus; "and that he came into Italy (adds the same Dio- P. 29.
nysius) we have the concurrent testimony of all the

^b The Pallene here meant was probably that of Macedon, not that of Thrace; but being inhabited by Thracians, is by D. Hal. p. 39, spoken of as in Thrace. Livy, b. 1. c. 1. says, that Æneas flying from his native country, came first into Macedon. C. & R.

^c Delos and Cythera are both islands in the Archipelago or Ægean sea; the first, near the isle of Rhéne, has with it at present the common name of Dili or Idilles. Cythera lies to the east of the Morea or Peloponnesus, and is now called Cerigo.

^d Now Zante.

^e Now Santa Maura.

^f A promontory of Epirus, now Cape Figalo.

^g Formerly a city of Epirus, now only a village, bearing the name of Ambrakia.

^h In the country of the Molossi in Epirus. There are no traces of it remaining.

ⁱ Now Butrinto.

Romans; the ceremonies they observe in their sacrifices and festivals bear witness to it; as also the Sibylline books, the Pythian oracles, and many other things which nobody can reasonably reject as invented merely for ornament."

- P. 41. The first land of Italy which Æneas made, after crossing the Ionian sea, was Cape Minerva,^k in Iapygia; and here he went on shore. Sailing afterward from hence, and coasting along the south-east of Italy and the east and south sides of Sicily, he arrived with his fleet, either by choice or stress of weather, at the port of Drepanum in that island.^l Elymus and Ægestus, who had escaped from Troy a little before him, had brought a Trojan colony to this place. Æneas augmented
- P. 42. it by a good number of his followers, whom, pleased to have found a safe resting-place after many dangers and fatiguing voyages, he willingly left behind him at their request; though certain authors pretend that he was constrained to it by the difficulty of transporting them, because some Trojan women, weary of the sea, had burnt a considerable part of his ships.

- Æneas, leaving Drepanum, steered his course for Italy across the Tyrrhenian sea.^m To the cape, where he first landed, he gave the name Pelinurus,ⁿ from one of his pilots who died there. The little island of Leucasia, not far distant, whither he sailed next, got its name in like manner from a daughter of Æneas's sister,
- P. 43. who there ended her days. The port of Misenum,^o the island of Prochyta, and the promontory of Cajeta,^p where he successively arrived, were so called from being the burial-places, the first of a noble Trojan his com-

^k A promontory where there was a good summer haven. It was from this time called the port of Venus, now Castro.

^l Now Capo di Sant' Alessio. The town is called Trapani.

^m The Tyrrhenian sea is a part of the Mediterranean. It washes the shores of Tuscany, the pope's territories, and the kingdom of Naples. It was called by the ancients Mare Inferum, to distinguish it from the Adriatic, which they named Mare Superum.

ⁿ Now Capo di Palinuro, in the kingdom of Naples.

^o Capo di Miseno, in the same kingdom.

^p Now Gaëta.

panion; the second of his kinswoman, and the third of his nurse. At length the Trojan prince and his chosen band finished their tedious and painful voyages on the coast of the since famous *Latinum*.^q This was a small territory on the east side of the river Tiber, containing a part of the present Campagna di Roma: *Latinus* was the king of it; his capital town, *Laurentum*; his subjects, a people who, till his time called *Aborigines*, had from him taken the name of *Latins*. Here, far removed from their implacable enemies the Greeks, *Æneas* and his followers undertook to raise a second Troy: they fortified a camp near the mouth of the Tiber, gave it the name of *Troy*, and flattered themselves with the hopes of a quiet settlement, a period to all their unhappy adventures. P. 8. P. 43.

§. III. *ITALY*,^r according to *Dionysius*, did not get that name till about the time of *Hercules*. It was before called, by the Greeks, *Hesperia*, and *Ausonia*, but by the inhabitants *Saturnia*, from the god *Saturn*, whom they worshipped universally.^t And, before it acquired P. 27.

^q *Latium* at this time comprehended but a small part of what was afterward called by that name.

^r It is difficult to fix the situation of the ancient city of *Laurentum*, of which there is no trace remaining. It was called by that name from the great number of laurels growing thereabouts. *Varro*, b. 4. de *Lingua Latina*, p. 36.

^s *Italy* did not anciently contain above one-half of what now goes by that name, yet it comprehended many distinct nations, the principal of which were, the *Aborigines*, *Sabines*, *Hetrurians* or *Tuscans*, *Umbri*, *Samnites*, *Campani*, *Apulii*, *Calabrij*, *Lucanij*, and *Brutii*. The rest was chiefly possessed by the *Gauls* who had driven out the former inhabitants, and by the *Ligures* and *Veneti*.

^t *D. Hal.* tells us (b. 1. p. 27.) that this appears from some *Sibylline verses*, and other oracles of the gods; and that, in his time, there were still, in *Italy*, many temples of *Saturn*; and that several cities and other places, especially rocks and very high hills, had derived their name from that of the god; and particularly that the hill *Capitolinus* was anciently called *Saturnius*. He mentions, as fabulous, a notion which prevailed very much among the people of *Italy*, that *Saturn*, in the golden age, was king of their country, and that it had been favoured, more than any other, with the plenty and pleasures peculiar to those happy days.

Both this notion, and the worship universally paid, in *Italy*, to *Saturn*, are easy to be accounted for, if we suppose, with *Sir Isaac Newton* (*Chron.* p. 152), that the *Saturn* of the *Latins* was the *Cretan Asterius*, father of *Minos*, the *Cretan Jupiter*; and that (in true chronology) the golden age falls in with the reign of *Asterius*; and that when he fled from his son, he retired first into *Attica*, and afterward into *Italy*, where, being well received by *Janus*, he introduced many of the arts useful to life. *Sir Isaac Newton*, after citing some passages, from various authors, in support of his opinion goes on thus (in *Chron.* p. 153, 154):

“By *Saturn*’s carrying letters into *Italy*, and coining money, and teaching agriculture, and making instruments, and building a town, you may know that he fled from *Crete*, after letters, and the coining of money, and manual arts, were brought

P. 9.

P. 27.
26.

this last name, it was called *Ænotria*, from *Ænotrus*, *Lycaon's* youngest son, who led thither a colony of *Arcadians*. *Dion. Hal.* thinks that these *Arcadians* were the same with the *Aborigines*,^a and the first *Greeks* who came into *Italy*; and that *Italus*, a conqueror, and one of the descendants of *Ænotrus*, gave it the name which to this day it retains.

into *Europe* by the *Phœnicians*; and from *Attica*, after agriculture was brought into *Greece* by *Ceres*; and so could not be older than *Asterius*, and *Europa*, and her brother *Cadmus*: and by *Italy's* being called *Ænotria*, before it was called *Saturnia*, you may know that he came into *Italy* after *Ænotrus*, and so was not older than the sons of *Lycaon* [the son of *Pelægus*]. *Ænotrus* carried the first colony of *Greeks* into *Italy*, *Saturn* the second, and *Evander* the third; and the *Latins* know nothing older in *Italy* than *Janus* and *Saturn*: and therefore *Ænotrus* was the *Janus* of the *Latins*.—*Macrobius* (*Saturnal.* l. 1. c. 7.) tells us, that when *Saturn* was dead, *Janus* erected an altar to him, with sacred rites, as to a god, and instituted the *Saturnalia*, and that human sacrifices were offered to him; till *Hercules*, driving the cattle of *Geryon* through *Italy*, abolished that custom: by the human sacrifices you may know, that *Janus* was of the race of *Lycaon*; which character agrees to *Ænotrus*.^a

D. Hal. (b. 1. p. 30.) says, that *Hercules*, to prevent scruples in the people about omitting a religious rite received from their forefathers, persuaded them to throw, instead of men, little images of men, dressed up and adorned, into the *Tiber*, by way of sacrifice to the god; assuring them that *Saturn* would be as well pleased: and the historian adds, that even in his time the *Romans* annually, about the vernal equinox, performed this ceremony; the high-priest, with great solemnity, throwing thirty poppets into the river.

It may be proper to observe, that according to *Sir Isaac Newton's* short *Chronicle*, the people of *Latium* could not have been long accustomed to human sacrifices, if *Ænotrus* introduced the practice; for between his coming into the country, and the arrival of *Hercules*, who abolished the practice, there were but twenty years: yet the expression of the Greek historian is "*quasi patria sacra neglexissent.*" *Huds.* *Transl.*

^a "Some historians held the *Aborigines* to be natives of *Italy*, who had that name given them because they had been there *ab origine*, from the beginning, and did not derive their origin from any other nation. Others pretend that the *Aborigines* were vagabonds and vagrants, who coming from different countries, met accidentally in *Italy*, and there lived by rapine; for which reason the same writers call them *Aber-rigines*, that is to say, a wandering people, like those whom the ancients styled *Leleges*, by which they meant such adventurers as have been described. *D. Hal.* b. 1. p. 8.

But *Dionysius*, who was persuaded that the *Aborigines* came from *Arcadia*, says that they were called by that name from their living upon mountains, in which the *Arcadians* much delighted; and if so, it must be derived from *ἀπ' ὀρέων γένος*, which imports as much as mountaineers, or natives of the mountains. *D. Hal.* b. 1. p. 11.

That the *Aborigines* were from *Arcadía*, as *Varro* also believed, *Sir Walter Raleigh* seems to think probable. This name of *Aborigines*, says he (to omit other significations that are strained), imports as much as original or native of the place which they possessed; which title the *Arcadians* are known in a vaunting manner to have always usurped, fetching their antiquity from beyond the moon. But he is inclined to think, with *Reynæcius*, from several passages in *D. Hal.* *Strabo*, *Justin*, and *Pliny*, that *Italy* did not take that name from *Italus* the *Ænotrian*, but from *Ætolus* and a colony of *Ætolians*, which under him settled in that country. The word *Italia*, says he, differs in nothing from *Aitolia*, save that the first letter is cast away, which in the Greek words is common, and the letter *o* is changed into *a*, which change is found in the name of *Æthalia*, an island near *Italy* peopled by the *Ætholians*; and the like changes are very familiar in the *Æolic* dialect, which dialect (being almost proper to the *Ætolians*) the accent and pronunciation, together with many words little altered, were retained by the *Latins*, as *Dionysius Halicarnassæus*, *Quintilian*, and *Priscian* the grammarian, teach. *Hist. of the World*, p. 458, 459.

From whatever country the Aborigines came, they were obliged to maintain long wars against the Siculi P. 7. (the first inhabitants of Italy), till having received a considerable reinforcement by the arrival of a colony of Pelasgi from Thessaly, they drove out their enemies, P. 14, et seq. and seized upon their towns; after which they granted a large extent of land to the Pelasgi, and borrowed from them many of the customs of Greece.

As for the Siculi, they, being chased out of all the countries of Italy, took refuge in Sicily, which was at that time possessed by the Sicani, a people originally of Spain. And at length the Pelasgi themselves, not being able to bear up against divers calamities with which they were afflicted, returned most of them into Greece, and retained there the name of Tyrrheni, which they had gained by their living in the neighbourhood of that nation during their stay in Italy.

About sixty years before the war of Troy, another P. 24. colony, which came from Peloponnesus, under the conduct of Evander the Arcadian, son of Carmenta (or Themis) a prophetess, arrived in a port of Latium. Faunus then reigned over that petty kingdom, and was a prince of humanity and prudence. He considered, that nothing was to be feared from a few unhappy men, who had been conveyed thither in only two vessels; and he therefore suffered Evander to settle on a small uncultivated hill near the Tiber, where the Arcadian built a little town and called it Pallantium, after the name of his native city in Arcadia, which a popular commotion had constrained him to leave. The hill itself was thence called the hill Palatinus, which in the time of Augustus stood in the centre of Rome.

Evander established in this new settlement the wor- P. 25. ship of the gods of his own country. Pan was the tutelary deity of the Arcadians. They invoked him to preserve their flocks from the wolves. And as the temple which had been dedicated to him in Greece was called

Lyceum,* so that which Evander built, or rather cut in a rock, in Italy, was named Lupercal:† the Arcadian ceremonies were retained in his worship, and only the Greek name of his temple changed into a Latin one.

P. 26. Evander built altars likewise, in Pallantium, to Victory and Ceres,‡ and instituted the festival of the equestrian Neptune,§ so called, because, according to the Greek fable, Neptune, with a stroke of his trident, raised the first horse out of the earth; or, because, according to Diodorus and Pausanias, he was the first man who found out the art of breaking horses.¶ Dur-

Virg.
Geo. l.
1. v. 12.
Diod.
Sic. l. 5.
p. 233.
Pausan.
l. 7.
c. 21.

* The building of the temple of Pan under the name of Lyceum or Lupercal, answered to the idea which the pagans had formed to themselves of Pan, whom they looked upon as the tutelary god of their flocks against the wolves. Dion. Hal. book 1. p. 25, says, that of all the gods, the Arcadians worshipped Pan with the most devotion. Nay, these people, according to Macrobius, called him τὸν ἄρχε κύριον, i. e. the lord of all material substances. C. & R.

† The Lupercal was a cavern dug in a rock in a corner of Mount Palatine. Some authors, and amongst them Ovid, pretend that Romulus and Remus consecrated this cave, because it had been the retreat of the wolf that suckled them.

Illa loco nomen fecit, locus ipse Lupercal.—Fast. b. 2.

In commemoration of this, the Romans placed there a brazen statue, representing a wolf suckling the twins. Fulvius Urpinus thinks it is the same which may be seen at present on the Capitol, at the palace of the Conversators. C. & R.

‡ The Latins adored Victory and Ceres before the other gods Jupiter, Juno, &c. They represented Victory under the form of a young girl with wings painted white. Ceres was represented like the mother of a family, with a long training robe, and held in her hand some ears of corn, or poppies. C. & R.

§ This festival, says D. Hal. was called by the Arcadians Hippocratis, but by the Romans Consualia, from Consus a name afterward given to Neptune, in the time of Romulus.

Before Romulus the subterraneous cavern made by order of Evander was dedicated only to the equestrian Neptune; but Romulus, when he designed to carry off the Sabine women, took occasion from this altar, which he had found under ground, to celebrate those games at which he executed his design; and as this project was the effect of a long deliberation, he therefore called the divinity, whose worship furnished him with the opportunity, Consus, that is, the god of council. These games consecrated to the equestrian Neptune, or otherwise to Consus, were celebrated ever after at Rome, and called, by way of eminency, the Roman or great games. They consisted chiefly in chariot and horse races; at first they held only one day, but they were afterward prolonged to two, then to three, and at length even to nine. They were celebrated in the great Circus, and called also Ludi Circenses, or, the games of the Circus. C. & R.

¶ This chevalier Neptune, to whom Diodorus and Pausanias give the honour of being, not only the first riding-master, but the first admiral of a fleet, and the inventor of ships (on which account the mariners, after his death, worshipped him as god of the sea), was, according to Sir Isaac Newton, (Chron. p. 67. 230.) the brother and admiral of Sesostris king of Egypt, son of Ammon (deified after his death by the name of Jupiter Ammon). He conjectures (upon no weak grounds) that the several names, Bacchus, Osiris, Siris, Basiris, Mars, Hercules, and Sesostris, were names of one and the same man; and that this man was no other than the Seso or Shishak of the Old Testament, whose sister Solomon married, and who pillaged Jerusalem in the fifth year of Rehoboam (the son of Solomon, but not by his Egyptian queen).

ing the celebration of this festival, a cessation from P. 96.
labour was granted to all horses and mules, and they
were crowned with flowers.

The following particulars are part of Sir Isaac Newton's history of this mighty conqueror :

"Sesostris being brought up to hard labour by his father Ammon, warred first under his father, being the Hero or Hercules of the Egyptians during his father's reign, and afterward their king.

"Under his father, whilst he was very young, he invaded and conquered Troglodytica, and thereby secured the harbour of the Red sea, near Coptos in Egypt ;

"And then he invaded Ethiopia, and carried on his conquest southward as far as to the region bearing cinnamon :

"And his father, by the assistance of the Edomites, having built a fleet on the Red sea, he put to sea, and coasted Arabia Felix, going to the Persian gulf, and beyond, and in those countries set up columns with inscriptions denoting his conquests ;

"After these things he invaded Libya, and fought the Africans with clubs, and thence is painted with a club in his hand :—

"And after the conquest of Libya, by which Egypt was furnished with horses [in greater abundance than ever before], and furnished Solomon and his friends ; he prepared a fleet on the Mediterranean, and went on westward upon the coast of Africa, to search those countries, as far as to the ocean, and island Erythra or Gades in Spain ; as Macrobius (Saturn. l. 5. c. 21.) informs us from Panyasis and Pherecydes [if Sesostris was their Hercules] ; and there he conquered Geryon, and at the mouth of the Straits set up the famous pillars.

Venit ad occasum mundique extrema Sesostris.

Lucan.

"Then he returned through Spain, and the southern coasts of France and Italy, with the cattle of Geryon, his fleet attending him by sea, and left in Sicily the Sicani, a people which he had brought from Spain :"—&c. Chron. p. 214.

l. 10.

In this expedition his admiral was his brother Neptune, who, because the fleet which he commanded consisted of three squadrons, was represented by the ancients with a trident : and because he reigned over Libya, the country from which horses originally came, he was called equestrian Neptune.

Chron.
p. 226.
P. 16.

Is it not possible, that Neptune, who, whenever he lived, was doubtless a seaman, and probably the first who commanded a fleet of long ships with sails, might owe his knighthood to his having, for the ensigns of his ships, the figure of a horse ? Sir Isaac Newton observes, that the fable of Jupiter's assuming the shape of a bull, had its origin from a bull's being the ensigns of the ship in which Europa was carried away from Zidon. Now Pausanias (in b. 8. c. 25.) gives us a fable of Neptune's changing himself into a horse, and for the sake of a woman too. It seems, that while Ceres was rambling about in quest of her stolen daughter, Neptune saw her and fell in love with her. She, to avoid his importunities by a disguise, transformed herself into a mare : but Neptune, having discovered the cheat, served her as good a trick, by changing himself into a horse ; in which shape he pursued her and compassed his ends. Perhaps the meaning of this courtship of Ceres by Neptune, in the shape of a horse, might be no more, than that Neptune with a fleet of ships, which had for their ensigns, or in their heads, the figure of a horse, pursued and took some vessels loaded with corn ; or perhaps sailed to Sicily, the country of Ceres, for corn ; for thither, according to D. Hal. the great Hercules (Sir Isaac's Sesostris) sailed when he left Italy.

Chron.
p. 150.

It is observable that the same Evander, who is said to have been the first who recognised Hercules for a god, and to have erected an altar to him present, is also said to have instituted the festival of the equestrian Neptune ; who, according to Sir Isaac Newton, was the admiral of the Egyptian Hercules, that is, of Sesostris.

D. Hal.

Sir Isaac Newton, in his short Chronicle, places Evander's going into Italy above sixty years later than the arrival of this Egyptian Hercules there ; but he assigns no reason any where for so placing it ; and he observes (Chron. p. 182.) that Dionysius makes them contemporary. And this would seem more probable, if Sir Isaac has rightly placed the arrival of Hercules in Italy. For Dionysius tells us, that Evander, who taught letters to the Aborigines, had himself but lately learnt them : consequently we should suppose, that he flourished soon after Cadmus brought letters into Greece. And from Cadmus's coming into Greece to the coming of Hercules

Chron.
p. 17. 25.

The mixture of this new colony of Arcadians with the Aborigines did not a little contribute to improve and civilize the latter. Some say that the art of expressing their thoughts by literal characters was first taught them by these Arcadians,^c who had themselves but lately learnt it. Evander likewise habituated their ears to the sounds of those musical instruments he had brought from his own country, and changed their oaten pipes into harmonious flutes and stringed instruments.^d

P. 33.
34.

In the mean time one of those heroes, to whom the ancients gave the name of Hercules, came from Spain into the country where Faunus and Evander had their settlements. The story of Hercules being sent by Eurystheus to the island Erythea (Gades) to bring from thence Geryon's cows to Argos; and likewise the story of Cacus the cow-stealer, Dionysius rejects as mere fables. Those authors (says he) who have written historically of Hercules, seem to come nearer the truth, when they tell us, that he was the greatest captain of his time, and, at the head of a mighty army, overran the whole earth (*quicquid terrarum oceanus cingit*); that he civilized the nations which he conquered, establishing among them legitimate government, and excellent laws, and using his endeavours to open a free and safe commerce, by land and sea, between all nations: so that he did not come into Italy, a single adventurer, driving cattle before him. For (adds the historian) it was no good road from Spain to Argos, and

into Italy, there are little more than thirty years, by Sir Isaac's computation; and but seven years from the time that Asterius, the Saturn of the Latins (who was the husband of Europa, the sister of Cadmus), fled from Crete into Italy, and introduced letters there, to the arrival of Hercules. But Sir Isaac says in his introduction (p. 8.) that he does not pretend to be exact to a year; there may be errors [in his calculations] of five or ten years, and sometimes twenty.

^c The Greek characters were the first the Latins made use of; there were some visible proofs of this remaining in the time of Augustus. The treaty which Tarquin the Proud made with the Gabini was still to be seen in the time of Dion. Hal. in the temple of Jupiter Fidius. It was written in Greek letters, though in Latin words, upon a wooden shield covered with the skin of the ox, which had been sacrificed on that occasion. D. Hal. b. 4. p. 257.

^d The Latins, in consideration of the benefits they received from Evander and his mother Carmenta (so called from the word *carmina*, she being a prophetess who sung her oracles in verse), paid them divine honours after their deaths, and Rome continued to offer sacrifices to them when in her greatest splendour.

he would never have been so honoured in Italy as he was, had he only passed through the country: but he came attended by numerous forces, to conquer it, and to subject all its inhabitants to his obedience. This, to the benefit of the conquered, he effected, though not without difficulty, from the vigorous opposition of some of the nations, and especially of the Ligurians, in his passage over the Alps. Cacus,* who withstood Hercules, seems to have been the chief of a people in the neighbourhood of Faunus and Evander: because, after the reduction and death of this enemy, Hercules disposed of his lands, partly to the subjects of those two princes, and partly to some of his own troops, which he left behind him in Italy. (For it was his custom to recruit his army with the people he subdued, and, when they had served him faithfully for some time, to reward them with lands, and easy settlements, in other countries which he had conquered by their assistance). These troops of Hercules made themselves at first a separate republic; but at length, by social intercourse and a mutual communication of customs and manners, they grew into one body with the Aborigines, and the Arcadians of Evander; and all distinction ceased.

Evander is said by some to have recognised Hercules P. 32. for a god, and to have been the first that did so, erecting an altar,^f and sacrificing a bull to him, even present.

When the conqueror had settled every thing in Italy P. 35. to his mind, and when his fleet was arrived from Spain, he embarked and passed into Sicily.

* One night when the troops of Hercules were asleep, Cacus came upon them by surprise, and carried off their baggage and provisions; and hence the fable of his stealing from Hercules, Geryon's cows.

^f This altar, called Ara Maxima, was remaining at Rome in the time of Augustus. It stood in the ox-market; but notwithstanding its fine name, it was very much neglected, and very poorly adorned. Hercules was invoked in all verbal bargains to be the voucher of the faith and sincerity of the parties, by this form of an oath, *Me Deus, Fidius*, which comprehended all the energy of this, *Ita me Deus Fidius adjuvet*. According to several commentators, these monosyllables, *me* and *ê*, had the same force amongst the Latins as the preposition *per*; so *me Deus Fidius* and *per Dium Fidium*, *ê Castor* and *per Castorem*, signified the same things. This form of speech answered to these particles $\mu\alpha$, $\nu\alpha$, which the Greeks made use of before their oaths. C. & R.

He had stayed long enough in Italy to build Herculaneum, and to have two sons, Pallas and Latinus, the first by Lavinia the daughter of Evander, the other by a north-country girl (*hyperborea puella*), whom, in his progress, he had received from her father as a hostage. It is said that he had no private conversation with her till he came into Italy, but then took a liking to her, and she proved with child. The mother, at his departure from Italy, he graciously gave in marriage to Faunus; which occasioned an opinion, entertained by many, that Latinus was the son of Faunus, whereas in truth he was only his successor, and was the son of Hercules.

B. 1.
P. 45. §. IV. IT was this Latinus who reigned in Latium, when Æneas arrived there. Being then in war with his neighbours the Rutuli,^a and fortune not favouring his arms, it greatly added to his perplexity to hear that a foreign army had made a descent upon his coasts, pillaged the maritime part of his dominions, and were fortifying themselves in a camp at a little distance from the sea. Instantly he marched with all his forces, against these strangers,^b hoping to get rid of them at once: but when, drawing near them, he perceived that they were armed after the Greek manner, and that keeping exactly their ranks, they stood resolutely prepared for a battle, he began to doubt of the success, and, instead of fighting, desired a parley. Æneas by the mention of Troy, the place of his nativity, utterly destroyed and reduced to ashes, and by the relation of his battles against the united power of Greece, filled Latinus at once with terror and compassion. The Trojan proceeded in words to this effect:

Livy,
b. 1.
c. 1.

D. Hal.
p. 1.
p. 47.

“ A place of refuge and a quiet settlement are what, by the direction of the gods, we seek in this country. We are not come upon your coasts as enemies. We have indeed taken by force wherewith to supply our

^a The Rutuli inhabited the sea-coast of the Campagna di Roma, between Patrica and Nettuno. C. & R.

^b The Trojans were then but 600. Solinus, c. 8.

pressing wants; necessity compelled us to this unbecoming violence; but we entreat you not to be offended at what is past, nor to look upon it as an act of hostility. We are ready to repair by important services, the injuries we have done you against our inclination. Our strength and our courage, which have been often tried, shall be employed to defend your lands from invasion, and to invade those of your enemies. But if, rejecting our humble supplication, you determine for a war, it will neither be the first nor the greatest that we shall have sustained."

Latinus, struck with the magnanimity and boldness of the Trojan leader and his followers, and considering that these strangers might do him great service in his present wars, easily granted their request, entered into a league with them, and assigned them a tract of land for a settlement. They, in return, employed their arms, valour, and experience, in defence of Latinus, who came at length to have so great a confidence in the Trojan prince, that he gave him Lavinia his daughter and only child in marriage,¹ and thereby secured to him the succession to the Latin throne. P. 48.
49.

Lavinia therefore could not but be dear to Æneas, who in proof of it gave her name to the camp which he had pitched; and instead of Troy called it Lavinium. And as all the Trojans followed the example of their leader, and by marriages made alliances with Latin families, they and the Latins in a little time became one people.

§. v. THE prosperity of Æneas proved the ruin of Turnus, a young prince, the queen's nephew, and educated in the palace under the eye of Latinus, and who had therefore entertained hopes of marrying Lavinia, and of succeeding to the throne. To revenge himself for this disappointment, he went over to the Rutuli, and soon after brought on a battle between them and the

¹ Æneas, according to Virgil, lost his first wife Creüsa in the dark, when he was making his escape from Troy.

P. 51. Latins, in which he and Latinus both perished;^k and thus Æneas, by the death of his father-in-law, and by that of a dangerous rival, came into quiet possession of the kingdom of Latium, which he governed wisely and transmitted to his posterity.

P. 52. Æneas reigned three years, and applied himself no less to the regulation of religion, than to the necessary measures for his defence and security. He established in Latium the worship of the gods of his own country. The two Palladiums,^l which had been the protect-

^k According to Livy, b. 1. c. 2. Turnus survived this battle.

^l These were two statues, whereof one was the original, and the other the copy: so that, properly speaking, there was but one true Palladium.

Ovid speaks of this statue as an image of Pallas which fell down from heaven upon one of the hills near Troy. According to Diodorus, it fell at Pessinus, a city of Phrygia; it was made of wood, and held a pike in its right hand, and a distaff and spindle in its left: to which he adds, that this miraculous image was put into the hands of Dardanus, who took all possible care to preserve the precious depositum, having been told by the oracle of Apollo, that this new city of Ilion should subsist so long as he kept this present from heaven in it, and no longer. And this tradition, fabulous as it is, was the foundation of that religious respect the Romans paid the Palladium. D. Hal. [b. 1. p. 54—56. and b. 2. p. 127.] frankly owns, that there were many secrets belonging to this piece of antiquity, which he was not let into; adding, that it was unlawful to discover them to the profane vulgar. However, when the world came to be enlightened by Christianity, the cheat was soon discovered, and even the keepers of this pretended divinity made no scruple of undeceiving the credulous people. Arnobius and Clemens Alexandrinus agree in their account of the Palladium, that it was made of the bones of Pelops, that ancient king of Peloponnesus, and that the pagans themselves had betrayed this secret.

Clemens Alexandrinus goes farther, and discovers the shameful rites of that mysterious worship, which the ancient pagans paid to this and two other statues, on which the fate of cities and nations were supposed to depend. He seems to have thought them pieces of necromancy. He tells us, that Athenodorus discovered the composition of which the statue of Serapis, the tutelary god of the Egyptians, was made. And he adds these words:

“Sesostris having subdued many nations of Greece, brought away from thence all sorts of artificers, and he ordered one Briaxes to make a statue of Osiris, one of his ancestors, which the artificer did, using all sorts of metals and precious stones in it, to render his work the more perfect; and he took particular care to put into it a perfume, with which the bodies of Osiris and Apis had been embalmed; from their two names, therefore, the statue was called Osirapis, and afterward, by corruption, Serapis.”

The same Clemens Alexandrinus informs us, that the statue of Jupiter Olympius, the tutelary god of Greece, was made of the bones of an elephant. From all which we may conjecture, that the tutelary gods of the several countries of the pagan world were so many talismans, made according to the rules of magic.

But to return to the Palladium, it may be asked whence it got that name. The common answer is, that it represented the goddess Pallas, but there is some foundation to believe, that the goddess owed both her name and origin to the statue. Dion. Hal. [b. 1. p. 55.] gives us the following story of the Palladium, upon the testimony of Callistratus. Pallas, says he, was a king of Arcadia, and the father of Chrysæ; she was married to Dardanus, and had this statue for her portion, and called it Pallas's present, who in all probability made this talisman. In aftertimes, to gain it veneration, fable made it the statue of a goddess, who bore the name of Arcadian Pallas. And what strengthens this conjecture is, that the Palladium represented a young man armed from head to foot. As it was easy to mistake the sex, the vulgar made it a warlike goddess. C. & R.

ors of Troy before it was ruined, became the tutelar deities of Lavinium, and in process of time, of the whole Roman empire. They were shut up at Rome in the temple of Vesta, and to the Vestals only was permitted the sight of them.

Dionysius is of opinion, that Æneas brought into P. 56. Italy, together with the Palladiums, the statues of the great gods, honoured by the Greeks, and more especially by those of Samothrace: and he tells us, he is supported in this opinion by the authority of Callistratus, who wrote a history of Samothrace; Satyrus, who made a collection of ancient fables; and Aratinus, the most ancient poet known.

§. VI. BUT while Æneas was thus employed, the Rutuli P. 56. entered into a league with the Heturians^m against a stranger whose good fortune they envied. Especially Mezentius, king of the Tyrrhenians,ⁿ was alarmed at the too frequent arrival in Italy of colonies from the eastern nations, their numerous settlements, and the encroachments they made upon the lands of the first inhabitants. Fear and jealousy therefore made him take the field.

While the confederate armies were advancing towards Lavinium, either to besiege it, or to draw the Trojan to an engagement, Æneas marched out, and gave them battle. The action lasted till night, and equal bravery was shewn on both sides: but Æneas being pushed to the banks of the Numicus,^o and forced into that river, was there drowned. The Trojans concealed his body, and to make him pass for a deity in the minds of his credulous subjects, pretended that he had vanished away on a sudden; accordingly, a temple

^m We are to understand here the people of that part of ancient Etruria, which comprehended what is now called St. Peter's Patrimony, the duchy of Castro, and the territories of Orvieto and Perugia. C. & R.

ⁿ Mezentius had under his dominion that territory which depended on the ancient city Agylla, now Cerveteri, in the Ecclesiastical State. C. & R.

^o The Numicus, now Río de Nimi, according to geographers, was formerly a river. It is now scarce more than a rivulet; it ran close by Lavinium. C. & R.

was erected to him, with an inscription upon it,^p which declared him at least a demi-god. Such was the end of Æneas, the Trojan prince so much celebrated by the Greek and Latin poets, and who, because he was illegitimate, and born of a mother remarkable for her beauty, was, agreeable to the manner of speaking in those times, called the son of Venus.

The death of Æneas caused no disorder in the affairs of the Latins. His colony and kingdom subsisted under the administration of his son Eurileon,^q who succeeded him. This prince was born at Troy, of Creüsa, the daughter of Priam, and had come with his father into Italy. He had changed his name, and at this time bore that of Ascanius, the name of his elder brother, who had been left in Bithynia. The young king did not think it adviseable to engage immediately in a pitched battle with a formidable enemy, whose pride was elevated by the death of Æneas: he had the prudence to confine himself within the walls of Lavinium, and to try what could be done by negotiation, before he had recourse to arms. The haughty Mezentius demanded of the Latins, as one of the conditions of a peace, that they should pay him yearly, by way of tribute, all the wine produced in the territory of Latium. Ascanius preferred an honourable war to a shameful dependence. To break off a treaty so injurious to his people, he caused all the vines throughout his dominions to be consecrated to Jupiter; and by thus transferring the demesne to the god, he made the estate unalienable.

F. 52.

The enemy had pitched their camp in the neighbourhood of Lavinium; and the flower of their youth, under the command of Lausus, the son of Mezentius, lay in-

^p This inscription, according to Aurelius Victor, was in these words: "Patri Deo Indigeti." The word Indiges, with the Latins, signified one of those gods who had been of the race of men, and at length were deified. The same Æneas, according to Livy, b. 1. c. 2. had divine honours paid him under the name of Jupiter Indiges. C. & R.

^q He had three names, Eurileon, Iulus, and Ascanius.

trenched almost at the gates of the city. The Trojans, who had been accustomed, during a ten years' siege, to make brisk sallies upon the besiegers, marched out in the night, and vigorously attacked the post where Lausus commanded. His intrenchments were forced; and then P. 53. the army in the plain, intimidated by the defeat of their advance-guard, immediately fled. The Latins pursued them, and in the pursuit Lausus was slain; which, with the check his troops had received, so discouraged Mezentius, that he immediately sued for peace. It was agreed, Livy, b. 1. c. 3. that for the future the Tiber should be the boundary both to the Latins and Hetrurians.

§. VII. BUT now Lavinia, whom Æneas at his death had left with child, entertained a strong jealousy of the ambition of her step-son, whom victory made absolute D. Hal. b. 1. p. 56. in his new dominions; and she feared to expose the infant she was going to be delivered of to the danger of his politics. She fled therefore into the woods, trusting herself to the care of one Tyrrhenus, chief of her father Latinus's shepherds, and was there delivered of a son, who from the place of his birth took the surname of Sylvius. But the queen's flight, who had disappeared on a sudden, occasioning suspicions at Lavinium prejudicial to the reputation of Ascanius, he caused diligent search to be made after her, calmed her fears, Aur. Vic. tor. de Orig. Rom. Livy, b. 1. c. 3. and engaged her to return to the town with her son, whom he ever after treated as a brother. And as Lavinium was in reality the patrimony of Lavinia, and a demesne which ought therefore to descend to Sylvius, it was, perhaps, for this reason, that Ascanius determined to yield it to them, and to build another city where to fix his residence. This new city he called Alba Longa;^r Alba, as the historians tell us, from D. Hal. b. 1. p. 53. and Livy, b. 1. a white sow which Æneas found in the place where it was built; and Longa, both to distinguish it from another town named Alba, and because, without having

^r Alba was probably situated between Monte Cavo and the lake of Castello Gandolfo. C. & R.

D. Hal. much breadth, it extended itself the whole length of a lake near which it was founded.
P. 53.

P. 56. It was thirty years after the building of Lavinium, that Ascanius removed to Alba; and there he died, after a reign of about thirty-eight years, twelve of which he had resided at his new settlement. He left by a wife, whose name history has not transmitted to us, at least one son, who was born in Alba, and called Iulus; so that there remained of the posterity of Æneas a son and a grandson, the one Æneas Sylvius, the other this Iulus: and between them lay the right of succession to the Latin throne.

Ibid. §. VIII. THE Latins not thinking it for their interest to continue divided under two governments, resolved to unite Alba and Lavinium into one dominion: and as Sylvius, being the grandson of Latinus, seemed to have the best title to the whole, the people, who were the judges, decreed it to him. However, to prevent divisions, and to make Iulus some amends, they conferred on him the sovereign power in affairs of religion. It was, perhaps, from hence that the Julii constantly preserved the priesthood in their family, and that the Cæsars always assumed the quality of high-priests.

P. 57. §. IX. THE kingdom of Alba continued for near 400 years in an almost uninterrupted tranquillity under Æneas Sylvius and his successors, without being either considerably diminished or increased. But as a state which remained so long in peace afforded little matter for history, we have scarce any thing left us, besides the names of its kings, and the number of years which each of them reigned.

Æneas Sylvius Posthumus, died after a reign of twenty-nine years, and was succeeded by his son

Æneas Sylvius, who governed Latium thirty-one years.

* The Latin state seems to have had no greater extent than from Alba to the mouth of the Tiber, nor any other towns than Lavinium, Alba Longa, and perhaps Laurentum, where Latinus kept his court at the time of Æneas's arrival; if, after all, Lavinium and Laurentum were not the same town. C. & R.

* This state subsisted according to D. Hal. about 430 years, reckoning from Æneas's arrival in Italy to the building of Rome.

Latinus Sylvius, who succeeded him, held the sceptre for the space of fifty-one years.

Alba reigned thirty-nine.

Capetus (or according to Livy, Atys) twenty-six.

Capis twenty-eight. And

Calpetus thirteen.

Tiberinus, who succeeded him, being less peaceably inclined than his predecessors, undertook a war which proved fatal to him. In an engagement upon the banks of the Tiber, which till then was called Albula, he was forced into the river, and being carried away by the current, was drowned. This accident of Tiberinus, who reigned but eight years, caused the river's name to be changed, and ever since it has borne no other but that of Tiber.

Agrippa, successor to Tiberinus, after a reign of forty-one years, left the throne to

Alladius, who reigned nineteen years, and was succeeded by

Aventinus, who reigned thirty-seven years, and left his name to the hill *Aventinus*, where he was interred.

Procas, who succeeded him, held the sceptre twenty-three years. He was the father of Numitor and Amulius, and at his death bequeathed the throne to his elder son Numitor.

Amulius,^a who doubtless surpassed his brother in understanding and courage, had no respect either to priority of birth, or to the last appointment of his father. He not only snatched the sceptre from Numitor, and made him pass his days in retirement; but used all the cruel precautions of a tyrant to secure the throne to himself, by extinguishing his brother's posterity. Numitor had an only son named *Ægestus*, and a daughter called *Rhea Sylvia*.^x The tyrant caused the first to be slain at a hunting, and, to prevent the other

*Liv. b. 1.
c. 3.*

*D. Hal.
b. 1. p.
62.*

^a Amulius being the younger brother, says Plutarch, had the gold and silver for his portion, and Numitor his father's crown. Amulius made use of his riches to dethrone his brother, in *Rom.* p. 19.

^x Sometimes *Iliia*.

from having children, consecrated her to the worship of Vesta, by which she was obliged to perpetual virginity. But this precaution proved ineffectual; for the Vestal, either by her own fault, or by violence done to her, became the mother of twins. The story is related after the following manner.

§. X. RHEA SYLVIA was called to the performance of some religious service in a temple of Mars near the town. A spring of water glided through the sacred wood, with which the temple was enclosed; and the priestess, in order to discharge one of her sacerdotal functions, went thither to take the necessary water for the sacrifice. Then and there a man disguised in a military habit, like that in which Mars was commonly represented, surprised and forced the Vestal. Amulius's ill reputation has made him suspected by some of doing this violence to his niece himself; not so much to gratify a brutal passion, as to have a pretence for condemning her to that punishment which the law had assigned for Vestals who proved unchaste. Others are of opinion, that she met a young lover there by appointment. Be
P. 63. that as it will, Rhea Sylvia thenceforward abstained from her functions, and from entering the temple, under a pretence of an indisposition. Usurpers are ever suspicious. Amulius soon conjectured what kind of disorder it was that afflicted his niece, and therefore caused her to be watched. Nay, he scrupled not to tax the father and mother of the Vestal as the contrivers of an intrigue, which might procure them grandchildren. When Rhea could no longer conceal her shame, she charged the god Mars with being the cause of it. The circumstances of the temple, the sacred wood, and the pretended presence of that god, who was believed to make his residence in a sanctuary consecrated to him, gave a less odious colour to the matter, whether her crime or her misfortune. But these things made no impression on the mind of Amulius. He not only placed some trusty women about her, but appointed a

guard of armed men to watch her, which they did till she was delivered of two sons. The tyrant took all advantages of this accident; he laid open the Vestal's shame in an assembly of the people, exaggerated her fault, and urged both religion and the laws against her. Rhea was condemned to be first whipped, and then put to death; and the fruits of her criminal amour to be thrown into the Tiber. But most of the historians say, that Amulius, at the intercession of his daughter Antho, changed the sentence against Rhea into perpetual imprisonment, and that she was not released from her confinement till the tyrant was dethroned. As to the twins, the sentence against them was executed in this manner:

A little wooden trough being prepared, and the two infants laid in it, they were carried to the bottom of Mount Palatine, and there turned adrift upon the Tiber, which at that time overflowed its banks and washed the foot of the mountain. The place where they were exposed was about 120 furlongs from Alba. The little skiff floated awhile without any accident, but at length being carried against a stone by the ebbing of the flood, it was upset, and the two brothers turned out upon the strand. It has been the general tradition, that a she wolf hearing their cries came and suckled them; but it is more probable that Acca Laurentia, whose husband Faustulus found the two children, and who nursed them, was called by the nickname of Lupa, or wolf, for her disorderly life, and that this gave rise to the fabulous miracle.

Faustulus was the chief of the king's shepherds, and being probably well acquainted with the birth of the twins, was suitably careful of their education: he sent them to Gabii, a city of Latium, to learn the Greek literature. As they grew up, they appeared to have something great in their mien and air, which commanded respect, and they assumed a superiority over the other shepherds, and the country people. A quarrel happen-

p. 64.

Plut. in
Rom.
p. 19.Fabius
Pictor,
Portius
Cato,
Cal-
purnius
Piso,
apud
D. Hal.
b. 1. p.
64, &c.

p. 71.

Plut. in
Rom.
p. 20.
D. Hal.
b. 1.
p. 66.

*Ælius
Tubero,
apud
D. Hal.
b. 1.
p. 67.*

ing between the herdsmen of Amulius and those of Numitor, the two brothers took the part of the former against the latter, of whom in the fray they slew some, wounded others, and put the rest to flight. The worsted party resolved to be revenged on Romulus and Remus (for so the twins were called), and the festival of the Lupercalia^v yielded a favourable opportunity to put their design in execution. While the two brothers were scouring the plain with their whips in their hands, according to the ceremonies used in this festival, Remus was on a sudden surrounded, taken prisoner, and led away to Numitor, before whom he was accused of exercising a kind of tyranny in the forests. The deposed king for the most part led a private life in the country, in the utmost subjection to the usurper's will. He durst not proceed against the person accused, without the consent of Amulius; but he had no sooner obtained it than he condemned the prisoner to death. The sentence was just going to be executed, when, either out of instinct, compassion, or esteem for a young shepherd, whose person and courage spoke something superior to his condition, he found himself strongly inclined to save him. He therefore deferred the execution, and resolved to have a moment's conference with the criminal. He asked him in what part of Latium he was born, and who were his parents. Remus replied, that his family and the place of his nativity were equally unknown to him. All I could learn, said he, from the shepherd who brought

*D. Hal.
p. 68.*

^v Valerius Maximus, b. 2. c. 2. §. 9. pretends, that the festival of the Lupercalia was not older than the foundation of Rome. Livy, l. 1. c. 5. Dion. Hal. b. 1. p. 25. 67. and Plutarch, (Rom. p. 31.) are of opinion that this festival was brought by Evander out of Greece. The ceremonies observed in it were these: First, two goats and a dog were killed; then the foreheads of two young men of distinction, were touched with the bloody knife, and they were to laugh when they were thus touched. When this was done, the skins of the victims were cut into thongs and whips, for the young men; who, armed in this manner, and covered only with a pair of drawers, ran about the city and the fields, striking all they met. The young married women suffered themselves to be struck by them, and believed those strokes were a help to fruitfulness. This festival was celebrated the 15th of February: The priests who presided at these sacrifices were at first divided into two colleges, one whereof was for Remus, the other for Romulus; but afterward there was a third added in honour to Julius Cæsar. This festival was chiefly celebrated in the villages. C. & R.

up my brother Romulus and me, is, that we are twins, and that we were found exposed upon the bank of the river; an answer which immediately struck Numitor with a lively remembrance of his two grandsons; their age, which was about eighteen years, agreed with the time when the two princes were exposed upon the Tiber, and there needed no more to change his anger and threatenings into tenderness.

At the mean time Romulus, impatient of the detaining his brother, was eager to pursue and attack those who had carried him off; but Faustulus dissuaded him from it, and on this occasion disclosed to him his birth; a discovery which awakened in his breast sentiments worthy of his high extraction. He resolved at all hazards to attempt the delivering his grandfather and mother from the oppression they were under. And while he was assembling the country people, and disposing every thing for the execution of his design, Numitor made the same discovery to Remus, concerning his parents, and the injustice they suffered, pressed him to revenge it, and then bid him go and send Romulus to his house. Romulus came, and the shepherd Faustulus made haste to follow, taking with him the trough, or skiff, in which the twins had been exposed on the river, in order to shew it to Numitor. But as he entered the gate of the city, he was stopped by the guards, who, perceiving an air of haste and confusion in his looks, imagined he was loaded with something of consequence. By chance there was one among them who had been at the exposing of the children, and employed in the office; he seeing the trough which Faustulus could not conceal, and knowing it by its make and inscription, guessed at the business, and without farther delay, telling the king of it, brought in the man to be examined. The shepherd, without losing his presence of mind, confessed what his burden was, and owned that the twins were living, but pretended that they were feeding flocks in a remote de-

P. 67,
68.

Plut. in
Rom.
p. 21.
D. Hal.
p. 69.

Plut. in
Rom.
p. 22.

sert. This was gaining time, and the brothers made the best use of it. Remus undertook to raise the city, and Romulus to invest the king's palace. The country people came at the time appointed, and formed themselves into companies of 100 each. Their ensigns were bundles of hay, hanging upon poles, which the Latins at that time called Manipuli,² and from thence came the name of Manipulares, which was originally given to troops raised in the country.

With this tumultuous army Romulus beset the avenues of the palace, forced the guard, slew the tyrant (who had reigned forty-two years), and restored his grandfather to the throne.

Such was the adventure, according to the common tradition, by which the birth of Romulus and Remus came to be discovered. Plutarch concludes his account of it with these words: "These are for the most part the relations of Fabius and Diocles Peparethius (who, I think, is the first that writes of the building of Rome), which some suspect to be only fabulous, and invented stories; but they are not wholly to be rejected, if we consider, what strange things fortune sometimes brings about, and also how improbable it is, that the Roman empire could ever have arrived at such a pitch of greatness and power, if the gods had not laid the foundation of it, and given it a miraculous beginning."

§. XI. NUMITOR, not long after his re-establishment on the throne, finding that Alba was overstocked with inhabitants by the inundation of those rustic troops which Romulus had brought thither, proposed to his grandsons, that they should make a settlement elsewhere. To this Remus and Romulus very willingly consented, and the king gave them for their new settlement those lands near the Tiber, upon which they had been cast by the waves, and where they had been brought up.³

D. Hal.
b. 1.
p. 72.

² Hence came the word manipulus, for a battalion, which at first consisted of 100, afterward 200, and in the decline of the empire, of less than 100.

³ Plutarch (in Rom. p. 22.) thinks it very possible that Remus and Romulus re-

Numitor also supplied them with all manner of instruments for breaking up ground, and with slaves, and beasts of burden, and granted to his subjects full liberty to join the two brothers. Upon which some of the best families, and among the rest, several who were descended from the Trojans, chose to follow the fortune of Remus and Romulus; so that even in Augustus's P. 72. time there were in Rome fifty great families sprung from Trojan ancestors, and which had subsisted there ever since its foundation.

As that handful of people who came from Alba, were of themselves in no condition to found a colony any thing considerable, the two brothers got together all the inhabitants of Pallantium and Saturnia, two small towns, and it was thought proper to divide those who were to be employed in building the new city into two companies, one under the command of Romulus, the other of Remus. But this division, which was made purely with a view to the public welfare, and for the better carrying on the work, instead of answering the end proposed, gave birth to two rival factions, and produced a jealousy between the brothers, which broke out when they came to fix upon a place where to plant their colony. Romulus declared for Mount Palatine, and Remus for Mount Aventine. There was no law whereby they could decide their difference; nor could either of them pretend a superiority by years or merit. The matter was therefore referred to their grandfather. Numitor being very P. 72. much prepossessed in favour of augury, with which the Hetrurians had infected Italy, declared it his opinion, that the contending parties ought to have recourse to the gods, in order to put an end to a dispute which no man had a right authoritatively to decide; and accordingly they agreed, that it should be determined by the flights of birds.^b When the day appointed for the ceremony to seek another habitation, rather through necessity than choice, being probably discountenanced by the people of Alba, who had reason to fear every thing from such a troop of fugitive slaves and outlaws as attended the two brothers.

^b Augury, or the art of divination, and foretelling future events by the flight, cries,

Plut. in
Rom. p.
22, 23.

mony came, some persons were deputed from both sides to be witnesses of the truth of the auguries, and the two brothers posted themselves each upon his mountain, Remus upon Mount Aventine, and Romulus upon Mount Palatine. Vultures were to decide the affair; whoever should first see any of these birds, or see the greater number of them, was to gain his cause; for, said they, these birds are very scarce, and sent by the gods from foreign countries to foretell extraordinary events. Besides, they remembered that Hercules used to judge of the success of his undertakings from the flights of vultures. When the two rivals had awhile gazed round the horizon, watching the appearance of a favourable augury, we are told that Romulus, either to divert his brother's attention, or to secure to himself the public voice by a fraud, sent to tell him that he had seen some vultures. Whilst the messengers were yet on their way, Remus actually perceived six. He ran therefore to Mount Palatine to examine the truth of his brother's augury; and he had no sooner got thither, than by an unexpected good fortune, twelve vultures appeared to Romulus, who instantly cried out in a transport of joy, and pointing to them with his hand, Be judge, be judge yourself, brother, of the truth of what my messengers have told you. Remus nevertheless discovered the cheat; he was informed that Romulus did not see the twelve vultures, till after he himself had seen six: and then one insisted on the number of birds, the other on the time of seeing them. The people were divided, each man taking the part of his leader; and the dispute growing warm, from words they came at length to blows.

D. Hal.
b. 1.
p. 76.

The shepherd Faustulus throwing himself unarmed into the crowd to part the combatants, an unlucky blow laid him dead upon the ground; and some historians

as motions of birds, came from the Chaldeans to the Greeks, from thence it was transmitted to the Hetrurians, and from them to the Latins and the Romans. Vid. Ciceron. De Divin. and Orig. l. 4. contra Cels. C. & R.

are of opinion, that Remus lost his life in the same skirmish; but the greater number place his death later, and say that he was slain by one Fabius, who in a passion struck him on the head with a mattock, for having, in derision, leaped over the wall of the new city: and they add, that the murderer was, from this action, afterward called Celer, i. e. hasty or passionate; but Livy says, the more common report was, that Remus died by his brother's own hand.

Livy,
b. 1.
c. 6.

Plut. in
Rom.
p. 23.

§. XII. ROMULUS being now head of the colony, by the advantage of more favourable auguries than those of his brother, or rather by having got the better in the late engagement, applied his thoughts wholly to build the city, which was to be called Rome,^c in allusion to his name. Mount Palatine was the place chosen for its situation: and the founder on this occasion performed all those ceremonies which the superstition of the Hetrurians had introduced, and made customary at the building of towns. He offered sacrifices to the gods, and ordered all the people to do the same, every man according to his abilities: and from that time decreed that eagles should be the auspices of his new colony. After this, great fires were kindled before their tents, and all the people leaped through the flames to purify themselves. This ceremony over, they dug a trench round that spot where the comitia or assemblies of the people were afterward held, and into this trench they threw the

D. Hal.
b. 1.
p. 75.

Plut.
Ibid.

^c Plutarch, in his *Life of Romulus*, (p. 17, 18.) says, that authors are not agreed by whom and for what reason the city of Rome was so called; that some are of opinion, the Pelasgians, who had overrun the greater part of the habitable world, fixed themselves there; and from their own military strength (in Greek *Ρωμα*, Roma) called the city by that name; that others say the city was built by some Trojans, who escaping from Troy, were driven upon the coasts of Tuscany, among whom was a woman of distinction named Roma, who engaged the Trojan women to burn the ships they came in, and that the city was called so from her: but that others say the Roma from whom the city had its name, was daughter of Italus and Lucaria, others of Telephus, Hercules's son, and that she was married to Æneas. Others make her the daughter of Ascanius, Æneas's son. The same author speaks of Romanus the son of Ulysses and Circe, Romus the son of Emathion, whom Diomed sent from Troy, and of one Romus a king of the Latins, who drove out the Tuscans; to each of these the building of Rome has been ascribed. Solinus bestows the honour of it upon Evander, and says, that it was in old times called Valentia. Others say, that it was anciently called Febris, after the name of Februa, the mother of Mars; witness St. Aug. *de Civit. Dei*, lib. 3. But Livy and others will have the building of the city to be the work of Romulus, even from the foundation. C. & R.

first-fruits of whatever they were allowed to make use of for food ;^d besides which, every man of the colony cast in a handful of earth, brought either from his own, or some neighbouring country. This trench they called *mundus* (the world), and made it the centre round which the city was to be built. Then Romulus yoking a cow and a bull to a plough, the coulter whereof was brass, marked out, by a deep furrow,^e the whole compass of the city ; and those two animals (the symbols of marriage, by which towns are peopled) were afterward slain upon the altars.

Plut. in
Rom.

All the people followed the plough, throwing inwards the clods of earth which the ploughshare sometimes turned outwards : and when they came to those places where they intended to make the gates, they took up the plough and carried it. Hence the Latin word *porta*, a gate, à *portando aratrum*.

The people's throwing inwards the clods of earth, was a significant ceremony, importing, that plenty in cities is owing to the fruitful lands about them ; and withal, how careful the inhabitants ought to be to bring every thing from abroad, which may contribute to the public welfare. The whole length of ground where the plough had passed, was by the ancients looked upon as sacred and inviolable. For this reason it was that they thought themselves obliged to spend the last drop of their blood in defending their walls ; and to break through them was a crime of the highest nature. But the gates were not sacred ; otherwise, as Plutarch observes, the city could not have been supplied with the necessaries of life, without a breach of the law, nor could the filth, dead bodies, and other things which they reckoned unclean, have been carried away.

^d The design of this ceremony was, to admonish the heads of the colony, that it ought to be their principal study to procure for their fellow-citizens all the conveniences of life, to maintain peace and union amongst a people come together from different parts of the world, and by this means to form themselves into one body, never to be dissolved. C. & R.

^e The ancients oftentimes described the compass of their cities by a train of white earth. We read in Strabo, b. 17. p. 1142. that for want of this earth, Alexander marked out Alexandria with meal. C. & R.

As Mount Palatine stood by itself, and was not joined to any other hill, the whole was enclosed within the line made by the plough, which formed almost the figure of a square, for which reason D. Hal. calls it *Roma Quadrata*. The walls were built upon this line, which was, therefore, called *Pomœrium*, according to Plutarch, from *Pone mœnia*: but Livy defines the *Pomœrium* to be that space of ground both within and without the walls, which the augurs at the first building of cities solemnly consecrated, and on which no edifices were suffered to be raised.

B. 2. p. 125. et Plut. p. 22.

Livy, b. 1. c. 44.

As to the exact year of the foundation of Rome, the historians differ about it. Varro places it in the third year of the sixth Olympiad,* that is, 431 years after the destruction of Troy, and 753 before the beginning of the Christian era. The Romans (according to Plutarch, and others) began to build on the 21st of April. This day was then consecrated to Pales, goddess of shepherds; so that the festival of Pales, and that of the foundation of the city, were afterward jointly celebrated at Rome on the same day.

When Rome had received near the utmost perfection,

Year of
ROME
1.

* Chronologists are not agreed about the exact year of the foundation of Rome. L. Cincius fixes it in the fourth year of the 12th Olympiad; Fabius Pictor, in the first year of the 8th. Polybius and Diodorus Siculus, in the second year of the 7th Olympiad; Portius Cato and others, in the first year of the same Olympiad; Marcius Verrius Flaccus (the supposed author of the Capitoline tables), and Livy, in the fourth year of the 6th Olympiad. But the majority of the best Roman writers follow Varro's calculation, according to which the foundation of Rome is placed near the end of the third year of the 6th Olympiad. Petavius contends, that Varro's opinion is the most agreeable to the rules of chronology, lib. i. de Doct. Temp. C. & R.

Val.
Max.
b. 4.

† If Rome was built, as Varro believed, the third year of the 6th Olympiad, it must, as Petavius observes, have been in 3960 or 3961 of the Julian period. For the 1st Olympiad beginning at the summer solstice in 3938, the third year of the 6th Olympiad will begin in the summer of 3960, and end in the summer of 3961. And if, as Petavius thinks, Rome was founded in the end of the third year of the 6th Olympiad, that will fall in 3961. Father Catron, in his *Rom. Hist.* p. 59, says, It is incontestable, that Rome was founded 21st April; and yet, that it appears to have been founded in autumn, and that April was then a month in autumn, and was afterward got back in the calendar. Upon this supposition, the date of the foundation of Rome, according to the Julian period, will be 3960. Yet Father Rouille, as we see in the preceding note, which is taken from him, tells us, that the majority of the best Roman writers, following Varro's calculation, place the foundation of Rome in the end of the third year of the 6th Olympiad; consequently, if it was in April, April must have been a month in the spring, as it is now, and the year of the foundation of Rome will be 3961 of the Julian period. All the discussions of former writers, to fix the exact year of the foundation of Rome, seem very idle performances, since the publication of Sir Isaac Newton's book of Chronology.

Year of
ROME
1.

which men rude and indigent were able to give, it consisted only of about 1000 poor huts, which had no upper stories, nor any kind of ornament. The walls even of Romulus's palace were made of rushes, and it was covered with thatch. Every man having chosen his ground to build upon, according to his fancy, without any regard to the regularity or beauty of the whole, the streets (if they might be called streets) were both crooked and narrow. Rome, properly speaking, was at first but a sorry village, whereof even the principal inhabitants followed their own ploughs; and, until it was rebuilt after the burning of it by the Gauls, did not deserve the name of a city. Such were the beginnings of the capital of the world!

CHAP. II.

ROMULUS.

Y. of R. 1. **SECT. I.** ROMULUS is chosen king of Rome. II. He puts on a robe of distinction, and appoints twelve lictors to attend him. III. He divides his colony into three tribes, and these into thirty curiæ. IV. He distinguishes the people into patricians and plebeians, patrons and clients. V. He constitutes a senate. VI. He appoints himself a guard of three hundred horsemen called *celeræ*. VII. He settles the respective prerogatives of the king, senate, and people. VIII. The religious laws of Romulus. IX. His civil laws. X. To augment his colony, he opens an asylum for fugitive slaves and outlaws. XI. The rape of the Sabine women. XII. The Sabines endeavour to recover their women by a treaty. In the mean time Romulus defeats the Cæminenses, slays Acron their king in single combat, and decrees himself a triumph for his victory. He reduces Crustumium and Anternæ, and gains other advantages. XIII. Romulus's war with the Sabines. XIV. He concludes a peace with them, and admits Titus Tatius, their king, to be his partner on the throne. The followers of Tatius are transplanted to Rome, and become one people with the Romans. XV. Tatius creates a hundred new senators chosen out of the Sabines. The creation of the first Roman knights. The festival of the Matronalia instituted. XVI. The death of Tatius. XVII. Romulus defeats the Camerini, Fidenates, and Veientes. He renounces the kingdom of Alba upon the death of Numitor. XVIII. The murder of Romulus by the senate, and the artifice of Julius Proculus to appease the people.

Triumph.

Optima.
Spolia.
King
Tatius.
Sabine
senators.
Knights.

Y. of R.
15. 37.
or 39.
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first
king.
D. Hal.
b. 5. 3.

§. I. As Romulus had not taken upon him the chief command of the colony for any longer time than while the city was building, he, as soon as the work was finished, submitted the form of its future government to the

choice of the people. He called the citizens together, and harangued them in words to this effect : " If all the strength of cities lay in the height of their ramparts, or depth of their ditches, we should have great reason to fear for that which we have built. Are there in reality any walls too high to be scaled by a valiant enemy? And of what use are ramparts in intestine divisions? They may serve for a defence against sudden incursions from abroad ; but it is by courage and prudence chiefly, that the invasions of foreign enemies are repelled, and by unanimity, sobriety, and justice, that domestic seditions are prevented. Cities fortified by the strongest bulwarks, have been often seen to yield to force from without, or to tumults from within. An exact military discipline, and a steady observance of civil policy, are the surest barriers against these evils. But there is still another point of great importance to be considered. The prosperity of some rising colonies, and the speedy ruin of others, have, in a great measure, been owing to their form of government. Were there but one manner of ruling states and cities that could make them happy, there would be no room for choice. But I have learnt that of the various forms of government among the Greeks and Barbarians, there are three which are highly extolled by those who have experienced them (government by one, by a few, by the many) ; and yet, that no one of these is in all respects perfect, but each of them has some innate and incurable defect. Choose you then in what manner this city shall be governed. Shall it be for one man? Shall it be by a select number of the wisest among us? Or shall the legislative power be in the people? As for me, I shall submit to whatever form of administration you shall please to establish. As I think myself not unworthy to command, so neither am I unwilling to obey. Your having chosen me to be the leader of this colony, and your calling the city after my name, are honours sufficient to

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content me; honours of which, living or dead, I can never be deprived."

Thus spake the founder of Rome, by the advice of his grandfather Numitor; and the people, who had been accustomed to kings, having lived easy under them, and having likewise experienced the courage and capacity of Romulus, unanimously chose him to be their king.

As the chief religion of those times lay in the regard paid to the prognostics, which the augurs and haruspices drew from thunder,^b lightning, the wind, the flight of

^b It may not be improper to say something here of the different offices of the haruspices and augurs, of whom frequent mention will be made in the course of this history. The Roman haruspices were all taken at first from Etruria, where their art had most credit. Afterward young Romans were sent into Etruria, to be there brought up in the science. It consisted in foretelling future events, by attending to various circumstances of the victims. First, it was an ill omen, when the victim would not come to the altar without dragging, when it broke its rope, fled away, avoided the stroke, struggled much after it, made a great bellowing, was long a dying, or bled but little. Secondly, presages were drawn from inspecting the noble parts of the victim when opened, as the heart, lungs, spleen, and especially the liver. If all these were sound, if the top of the liver was large and well made, and if its fibres were strong, it presaged well for the affair in question. Thirdly, knowledge was also drawn by the haruspices from the manner in which the fire consumed the victim. If the flame brightened immediately, was pure and clear, rose up in a pyramid without noise, and did not go out till the victim was consumed; these were happy signs. Fourthly, the smoke likewise was considered; whether it whirled about in curls, or spread itself to the right or left, or gave a smell different from the common one of boiled meat. Fifthly, it was a lucky omen, if the incense they burned melted all at once, and gave a most agreeable smell.

Of augurs or auspices (very different from the haruspices), Romulus, who was himself skilled in the augural science, established three, one to each tribe. Servius Tullius, who added a fourth tribe, is also said to have added a fourth augur. But their college (for so it was called) was afterward increased to fifteen, under a head or master of the augurs. Their offices, comprised in the augural law, which we find in Tully's second book of Divination, were these: They were the interpreters of the will of the gods, with respect to the making war and peace; and, according to the divinity of that time, all were obliged to obey them in so important an article. They drew their predictions from the different signs, which they said appeared in the air, and upon the earth. Thus what they pronounced to be contrary to the intentions of Heaven, was deemed unlawful; and it was capital to act contrary to their decisions. They likewise appointed the expiations they thought necessary, on account of the signs the gods seemed to give of their anger. And from hence it appears how powerful they were in the Roman state; since by pronouncing any affair, any assembly of the comitia, election of magistrates, war or peace, to be disagreeable to the gods, they prevented it.

They pretended to make these discoveries of the will of the gods several ways. First, by the flight, or chirping of birds. Secondly, by thunder or lightning. Thirdly, by the setting of the wind. Fourthly, by the hunger and different postures of chickens which were bred up in cages on purpose for the augur's use, and were carried about in Roman armies.

When the augur, in the execution of his office, was to observe the heavens, he went up upon some high place; took the augural staff (which was a sort of crosier, bent at one end) in his hand, and marked out the four quarters of the heavens with it. Then he turned to the east, having the west behind him, the south to his right, and north to his left; and this is what the Romans called *servare de cælo*. In this situation he waited for a sign, by thunder and lightning, birds, or the wind.

When thunder was heard to the left, when the lightning came from the east, and

birds, or the entrails of beasts, the prince elect, before he ascended the throne, would needs consult the will of the gods by augury. It is said, that when he had offered sacrifice in an open place, a flash of lightning gleamed from the left, a lucky omen, according to the augural divinity. Be that as it will, it became a custom established by an express law of Romulus, not to raise any person to the royal dignity, the priesthood, or any of the public magistracies, nor to undertake any war, till the auspices had been first consulted; and this practice lasted above 700 years. For though it owed its origin to nothing but the ignorance of those early ages, the priests and sacrificers persuading the people, that in the flights of birds, and the entrails of beasts, they could plainly read the destinies of men; yet in process of time, it became one of the chief mysteries of state policy, as there will be frequent occasion to observe in the course of this history.

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D. Hal.
p. 80, 81.

§. II. ROMULUS being thus declared king of Rome by the voices of the people, and with the approbation of the gods, immediately put on a habit of distinction, to give himself a greater air of majesty. He also appointed twelve lictors or serjeants to attend him whenever he should appear in public, each of them bearing a battle-axe stuck in a

Livy,
b. 1.
c. 8.

was driven back by the wind to the same point, without darting forward to the west; when it did not upon the falling strike into the earth, but rebound towards heaven: these were happy presages.

As to birds: ravens, owls, and such-like, were thought to presage things by their croaking and screeching; but eagles, vultures, and especially woodpeckers, by their flying, which they observed whether it was from the right to the left, or from the left to the right.

As to the wind; its changes were the matter of observation.

When these sorts of signs failed, recourse was had to the chickens. Betimes in the morning, the augur, whose business it was to observe them, and who was thence called Pullarius (if that name did not rather belong to the keeper of the chickens), having commanded a general silence, caused the pen to be opened, and threw down a handful of crumbs or corn. If the chickens did not immediately run fluttering to the meat; if they scattered it with their wings; if they went by without taking notice of it, or if they flew away, the omen was reckoned unfortunate, and to portend nothing but danger or mischance; but if they leaped presently out of the pen, and fell so greedily as to let some of their meat drop out of their mouths upon the pavement, there was all the assurance in the world of happiness and success. This augury was called *tripudium quasi terripavium*, the old word *pavire* signifying as much as *ferire*. We meet with *tripudium Solistimum* and *tripudium Sositium* in Festus, both derived from the crumbs falling to the ground. The augurs had several other ways of diving into futurity. C. & R. and Kennet.

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bundle of rods, which was then the usual symbol of sovereignty in the petty states of *Hetruria*.^b But notwithstanding these ensigns of royalty, his power was confined within very narrow limits. For the form of government established by the Romans was, as we shall presently see, a kind of mixed monarchy, the sovereignty being divided between a head or a prince of the nation, a senate that was to be his council, and the assembly of the people.

D. Hal.
b. 2. p.
78.

Plut. in
Rom. p.
24.

§. III. ROMULUS having numbered the citizens of Rome, found them to be about 3000 foot, and 300 horse. He divided them into three equal parts, which were called tribes or thirds, each being commanded by its præfect or tribune.

B. 2.
p. 82.

These tribes he divided into ten *curiæ* or companies of one hundred men,^c each company commanded by an officer, whom *Dionysius* calls *curio*.

Again, the thirty *curiæ* were subdivided each of them into ten *decuriæ*: over which were appointed distinct officers, named *decuriones*.

Strabo,
b. 5. p.
351.

As Rome had at first no lands belonging to her, but what she got by cession from the city of *Alba*, her territory was very small, not above five or six miles in extent. *Romulus* nevertheless shared it into three parts, but not equal. One was allotted for the expenses of religious worship; another reserved for the king's revenue and uses of the state; the third and most considerable was divided into thirty portions, to answer to the thirty *curiæ*.

Dion.
Hal.
b. 2.
p. 82.

§. IV. THE next thing done by *Romulus*, was the distinguishing those of the people who were better born, more rich or more eminent for virtue, from the poorer and more ignoble. The former he called *patricians*,^d the

^b *Livy* (b. 1. c. 8.) thinks, that not only the lists, and the number of them, were taken from the *Hetrurians* (who inhabited the country now called *Tuscany*), but also the *vela curulis*, and the *toga prætexta*.

^c *Dionysius* seems here to differ from *Polybius* and *Varro*. These tell us, that this division took place among the squadrons of horse called *turme*; which has made *Grievius* say, p. 7. of the pref. to vol. 1. of *Rom. Antiq.* that *D. Hal.* is mistaken. Nevertheless we cannot draw thence a decisive proof against the Greek historian. What was done in later times, with respect to the cavalry, does not contradict the order *Romulus* at first established in the *curiæ*. C. & R.

^d *Dionysius* (in this place) says *patres*, fathers: but this title seems to have pro-

latter plebeians. All dignities, civil, military, and sacerdotal, were to be confined to the former. But to prevent the seditions which such a distinction might produce through the pride of the higher order, and the envy of the lower, he endeavoured to engage them to one another by reciprocal ties and obligations. Every plebeian was allowed to choose, out of the body of the patricians, a protector, who should be obliged to assist him with his interest and substance, and defend him from oppression. These protectors were styled patrons;^m the protected, clients. It was the duty of the patron to draw up the contracts of his clients; to extricate them out of their difficulties and perplexities, and to guard their ignorance against the artfulness of the crafty. On the other hand, if the patron were poor, his clients were obliged to contribute to the portions of his daughters, the payment of his debts, and the ransom of him or his children, if they happened to be taken in war. The client and patron could neither accuse nor bear witness against each other; and if either of them were convicted of having violated this law, the crime was equal to that of treason, and any one might with impunity slay the offender, as a victim devoted to Pluto and the infernal gods. For more than 600 years, we find no dissensions nor jealousies between the patrons and their clients, not even in the times of the republic, when the people frequently mutined against the great and powerful.

§. v. THE establishment of a senate to assist the king

partly belonged to the senators only; he himself telling us (p. 85.) that the senators were chosen out of the patricians, which supposes the distinction of patricians and plebeians, before the election of the senators or *patres*. D. Hal. p. 83. 111.

^m M. Vertot, quoting only Dion. Hal. makes the patrons to be chosen out of the body of the senate, yet Dion. Hal. says, out of the patricians, and he mentions the institution of the patronage before the creation of the senate: and Plutarch (p. 25.) affirms, that the patrons were taken from the wealthier sort, who were not of the senate.

According to Plutarch (p. 24.) the word patron comes originally from one *Patro*, an Atræadian, a companion of Evander. He was a man very assistant to the defenceless, and a protector to the poor. Be that as it will, the inhabitants of Rome were not the only persons who had their patrons. The colonies, and other cities allied to or conquered by the Romans, had afterward their patrons also at Rome. The only alteration in the patronage, as instituted by Romulus, was of the custom of the clients sometimes parting with their goods in favour of their patrons. The Romans thought it unworthy of them to sell their protection. Of this Plutarch assures us, p. 25.

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P. 83.

P. 84.

Plut:
p. 25.

D. Hal.
p. 84.

P. 85.

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D. Hal.
b. 2.
p. 85.

in the administration," succeeded the institution of the patronage. Romulus composed it of 100 men chosen out of the patricians; but the choice was not made by the king himself; he named only the first,^o who was to be chief governor of the city, whenever the king should be in the field; then each tribe elected three, after which each of the thirty curiæ chose three, which completed the number, 100 senators. They were called *pateres* (fathers), either upon account of their age, or their paternal care of their fellow-citizens. "Those who anciently composed the council of the republic (says Sallust) had indeed bodies enfeebled by years, but their minds were strengthened by wisdom and experience." Their descendants, to whom alone some appropriate the name of patricians, were the prime nobility among the Romans.

P. 86. §. VI. To form a guard for his person, the king made a draught from each curia of ten horsemen, the whole

^a Plutarch says, (p. 24.) that Romulus styled his 100 counsellors, patricians, and the whole body of them, the senate, which signifies properly (says he) a consistory of old men. He adds, some say the patricians were so called, because they were the fathers of legitimate children; others, because they could tell who their fathers were, which every one of the rabble that poured into the city could not do; others, from the word *patrocinium*, patronage, because they were the defenders of the poor and weak; but he seems to think it most probable, that they were so styled from the people's calling them and esteeming them as *pateres* or fathers, on account of their being so protected by them.

^o Livy seems to ascribe the choice of all the senators to the king, when he says (b. 1. c. 8.) that Romulus created 100 senators; nevertheless it is not clear, that by those words, he meant, that the 100 senators were created by the single authority of the king, and in virtue of his royal prerogative. In whom resided the power of creating senators? is a question which neither Livy nor any of the Latin writers "treat professedly, but touch it only incidentally; and it is natural to all, upon the slight and occasional mention of an event, to ascribe it to the principal agent concerned in its production; so as to impute the acts of popular assemblies to the prince or ruling magistrate, who convened and presided in them, and had the chief influence perhaps in determining the transactions themselves. Thus when Livy tells us that the præfect of the city created the first consuls, [l. 1. c. 60.] and that Brutus, one of these consuls, created P. Valerius, his colleague in that office, [l. 2. c. 2.] or that the interrex, on other occasions, created the consuls, [l. 9. c. 7.] or that the *pontifex maximus* was ordered by the senate to create the first tribunes, [l. 3. c. 54.] he means nothing more, than that those magistrates called the people together, in order to make such creations, in which they assisted and presided. 'Ibi exemplis pontifices maximo comitia habente, tribunos plebis creaverunt.' [Ibid.] And as this is the usual style of all writers, so it is peculiarly of those who write the history of their own country, and for the information of their own people; who have not the patience to treat minutely of things which they suppose to be known to their readers as well as to themselves: and hence it sometimes happens, that the origin of customs and constitutions of the greatest importance are left dark and obscure, not only to strangers, but even to the natives of later ages."—Dr. Middleton's *Treatise on the Roman Senate*, p. 18.

number amounting to 300. These were called *celeres*, Year of
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1. either from their first captain, whose name was Celer, or else upon account of the celerity with which they executed the orders they received. They fought on foot or on horseback, as the occasion required, or the ground would allow.^p Romulus, first
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P. 86.

§. VII. THE respective powers and privileges of the king, senate, and people, were thus settled:

The king was to be in all religious affairs supreme; D. Hal.
b. 2.
p. 87. he was to be the guardian of the laws and customs, to take cognizance of the weightier causes between man and man, referring those of less moment to the senate, upon whose decrees he had nevertheless a control. It belonged to the king to convene the senate and the assemblies of the people, propose affairs to them, give his own opinion first, and then do what was concluded upon by the majority. He was also to command the army in time of war with absolute authority; and he had the care of the public money.^q

The senate were not only to be judges in private causes, but to deliberate upon such public affairs as the king proposed, and to determine by the plurality of voices.

To the assemblies of the people three things were Ibid. committed; to create magistrates, make laws, and determine concerning any war that was proposed by the

^p Thus far Dion. Hal. concerning the *celeres*. M. Vertot adds, that the state found each of them a horse (*equus*), from which they were called *equites*, and that they were distinguished by a gold ring, and thus he makes these *celeres* or life-guards the first Roman knights, and speaks of them as a kind of middle order, between the patricians and the people. But Dion. Hal. though he mentions the forming of this life-guard, immediately after the creation of the senate, says nothing of the ring, nor of any of those marks by which the equestrian order was afterward distinguished from other plebeians. And Livy does not mention the creation of any knights till the union of the Romans and Sabines. He seems to think, that the *celeres* or life-guard which Romulus kept in pay in time of peace as well as war, were not formed till towards the end of his reign, when he affected despotism and tyranny. Plutarch seems also of that opinion.

^q M. Vertot says (p. 6. tom. 1.) that he directed the disposal of the public money, which was under the care of two treasurers, afterward called *quæstors*; but I do not find this in the authors cited by him, and it seems not well to agree with what he himself says (p. 59.) of the institution of two treasurers in the time of Poplicola; till then the kings or consuls seem to have had the keeping of the public treasure. See the consulship of Poplicola in this history.

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Ibid.
Ibid.

king; yet in all these things the senate's approbation was necessary.

The people for many years gave their voices by *curiæ*, in which every private man had his vote. The majority of votes in each *curia* determined the sense of that *curia*, and what the major part of the thirty *curiæ* agreed to was deemed the resolution of the whole assembly, which assembly was therefore called *comitia curiata*.

Such was the fundamental constitution of this state, neither purely monarchical, nor entirely republican; the king, the senate, and the people, were in a sort of mutual dependence on each other, from whence resulted a balance of power, whereby the regal prerogative was restrained, a useful authority preserved to the nobles, and the liberty of the people secured.

§. VIII. ROMULUS considering that the happiness of states depended upon the favour of the gods, which was only to be obtained by the piety and virtue of the people, proceeded to the establishment of religious and civil laws.

P. 90.
et seq.

With respect to religion, he did not give it all that form in which it afterward appeared: he only regulated the worship of those divinities which Evander had introduced, of those which Æneas had brought from Phrygia, and of those which the Aborigines had honoured in their time. He neither introduced the infamous fables of the Greek divinities into the public faith, nor suffered any licentious ceremonies in the public worship. He appointed that every *curia* should have its own temple (which was itself called *Curia*) and its peculiar god and priest; that the people should assemble on certain stated days, in *coenacula* or public halls built for that purpose, each of which was consecrated to its particular deity, and that they should there feast in common upon the victims offered to the gods. Romulus likewise established festivals, whereby religion became an ease and relief to a laborious people.

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lus, first
king.
P. 92.

The ministers of the gods were to be at least fifty years old, and none but their wives could perform the functions of priestesses. Their sons, to the age of puberty, were to wait at the altars, and their daughters so long as they continued virgins. The girls were called *camillæ*, the boys *camilli*. When a priest had no children of his own, he might choose the handsomest children in his *curia* to attend him in the sacrifices. To the sacerdotal families were granted distinguishing privileges. The laws exempted them from paying taxes, and from bearing arms. As the priest's office was for life, it excited the ambition of many; but Romulus forbade all intriguing and caballing to obtain it, as also the purchasing it with money, and the trusting it to the hazard of lots. He left to the *curiæ* the free choice of their priests; and as these ministers of religion were laid under an obligation to acquaint themselves with the laws and customs of their country, and to record the principal events that happened in the state, they were its first historians and first lawyers.

§. IX. As to the civil laws of Romulus, we have only some few fragments of them. The first relates to marriages: it decrees that the wife shall not leave her husband upon any pretence whatsoever, at the same time that it allows the husband to put away his wife,^r and even to punish her with death (her relations concurring in the sentence), in case she be convicted of adultery, poisoning, making false keys, or only of drinking wine.^s Romulus thought it necessary to be thus se-

^r Plutarch, in his *Life of Romulus*, says, that if the husband put away his wife for any other cause, but for poisoning his children, counterfeiting his keys, or adultery, he was to give one moiety of his goods to his wife, and consecrate the other to Ceres.

^s This law was so severely observed, that, according to Valerius Maximus, b. 6. *De Severitate*, Egnatius Metellus, who caught his wife drinking wine, and killed her upon the spot, was neither brought to trial, nor censured for it: and Fabius Pictor mentions another woman whom her relations starved to death, for having broke open the chest in which were the keys of the cellar. Aulus Gellius and Pliny likewise assure us, that in consequence of this law, it was customary at Rome for the ladies to be saluted by their near relations whenever they met them, not so much out of civility and friendship, as to find out by their breath whether they had been drinking wine. But in process of time, the severity of this law was somewhat abated. Women who had drunk wine were only condemned to lose their portions. C. & R.

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king.

A. Gel-
lius.

C. 23.

D. H.

P. 95.

D. Hal.

b. 2. P.

96.

Ibid. et

p. 97.

vere in the article of wine, in order to prevent adultery, which he looked upon as a second drunkenness, and a natural effect of that dangerous liquor. Each husband was confined to one wife, and their goods were in common between them,^t but under the administration of the husband. The wife was declared universal heiress to her husband,^u if he died intestate, and without children; but if he had children by her, they were to be equal sharers with her in the inheritance. It is very remarkable, that notwithstanding the power given to husbands to put away their wives, there was no instance of a divorce among the Romans for 520 years.

Nothing ever equalled the severity of the law which Romulus made in relation to children. He gave their fathers an absolute power over them. A father by his own private authority could imprison his children, put them to death, and even sell them for slaves three times over, of whatever age they were, or to whatever dignity they had arrived.*

^t This community of goods was thus expressed in the marriage ceremonies: The persons to be married came to a sacrifice, in presence of ten witnesses; and the priest, among other offerings, presented a wheat loaf, and scattered pieces of it over the victim. This was to shew that bread, the symbol of all other goods, should for the future be in common between the husband and wife; and this rite was called *conferreatio*. Hence it is said in Romulus's law, "*Uxor farreatione viro juncta, in sacra et bona ejus venit.*" It appears likewise by the same law, that the wife, upon marriage, professed the same gods and the same worship with her husband; both as to the household gods of each family, and the respective god of each curia. The laws add, "*Jus devortendi ne esto, i. e.* Let not the husband have an absolute and unlimited power of divorcing his wife." This is the strict meaning of *devortendi*; but it is also sometimes used to signify a power of refusing to accept the person who had only been betrothed. C. & R.

^u This is what D. Hal. says of the wife's interest (in Romulus's time) in the husband's effects after his decease. But this law is not among those of Romulus which now remain. There were two sorts of marriages among the Romans: the first was, to marry their wives without any other covenant but that of keeping them in their houses. But these were not truly wives, till they had continued with their husbands a whole year, without three days' interruption. and this was called a marriage by use, *usu*. The other way was, to marry a woman after marriage covenants had been made; and this was called a marriage by mutual sale, *ex coemptione*. In this case the woman gave her husband three pieces of money, called *asses*, to express that she purchased of him a right of sharing in his goods; and the husband gave the wife the keys of the house, to shew he committed to her the care of the family. These latter only were called mothers of families, *matres familias*; and it is probable, that they only were sole heiresses to their husbands. C. & R.

^z In case a child was born with any monstrous deformity, the father might ~~take~~ away with it; but if it was a son, or an eldest daughter, he was first to advise with five of his neighbours; if he did not observe this rule, the half of his goods were consecrated to the public use. Instit. (Justin. b. 1.) C. & R.

Plutarch observes it as a singular thing in Romulus, that, calling all murder parricide, he ordained no punishment for real parricide, believing it an impossible crime; and, indeed, for near 600 years it was not once known in Rome.

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Romulus, first
king.
Rom.
p. 32.

By another law of Romulus, who knew that the power of a state consists not so much in the extent of its territory, as in the number of its people, it was made criminal to kill an enemy who yielded, or so much as to sell him. His chief view in making war was to conquer men, being sure of not wanting lands, if he did not want troops.

D. Hal.
b. 2.
p. 88.

As this prince was of opinion, that the sedentary arts and occupations emasculate men's minds, and enervate their bodies, he permitted none but strangers or slaves to be employed in them. He confined the citizens to the two professions of war and agriculture; and considering the ill consequences that might arise from dividing the employments, he made every Roman of free condition exercise both.

P. 98.

§. x. Thus was the colony settled; and the form of its government, and the wisdom of its laws, attracted strangers to Rome from all parts. But what contributed most to people the city, was an asylum or sanctuary of refuge, which Romulus opened for runaway slaves, homicides, outlaws, and persons plunged in debt. Nor was the appearance of religion wanting to cover the king's policy. This sanctuary was dedicated to a new sort of divinity, called the Asylæan god, under whose protection all sorts of criminals and discontented persons, who fled from their own countries to Rome, were to live securely. Romulus made them all soldiers, and Rome in a little time became formidable to her neighbours. The Romans wanted nothing but women to secure the duration of their state. The king, therefore, sent deputies to the Sabines, and the other neighbour-

B. 2.
p. 88.

Liv.
b. 1.
c. 8.

Plut. in
Rom.
p. 22.

The Sabines possessed that part of Italy which lies between the Tiber, the Teverone, and the Apennines. They inhabited divers little towns, some of which were led by petty princes, and others only by magistrates, and in form of a republic;

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ing nations, to propose alliances with them by marriages of their daughters with his Romans. He represented to them, that new colonies were not always contemptible, and that the gods had hitherto shewn favour enough to Rome, to make it no dishonour to enter into alliances with her. But as the Sabines had begun to look upon Romulus's new settlement with a jealous eye, they absolutely rejected his proposal, and some of them added

Livy,
b. 1.
c. 9.

ibid. §. XI. WHEN this insulting answer was brought to

Plut. in
Rom
p. 25

Rome, Romulus heard it with the quickest resentment, resolving to be revenged, and to take away the daughters of the Sabines by force. He communicated his design to the senate, and had their approbation of it. The only question was, how to succeed in the enterprise. It happened, or so it was pretended, that as workmen were digging in a field near Rome, they found a subterraneous altar dedicated to the god Consus, or the god of council, who is the same with the equestrian Neptune.* The discovery of this altar furnished Romulus with a pretext to proclaim a festival and public sports, in honour of the god. He notified the day he had fixed for these games to the neighbouring towns,* and made all the pompous preparations for them that the poverty of his colony would admit.

Those of the Sabines who lay nearest to Rome, flocked thither in crowds upon the day appointed for the so-

but though their particular governments were different, they were all united by a kind of league and community which formed the several societies of that nation into one state. The Sabines were some of the nearest neighbours to Rome.

* See page 9.

* As to the nature of these games, it is probable they chiefly consisted of races, wrestling, and the like, since this was the manner that afterward prevailed of celebrating the Consualia, which were perpetuated at Rome in memory of this first show given by Romulus, and, according to Plutarch, annually observed on the 15th of August, because the rape of the Sabines was on that day. C. & R.

In Rom.
p. 26.

lemnity, as Romulus had foreseen they would ; no small numbers came also from the little towns of Cœnina, Crustumerium, and Antemnæ. The strangers were received by the Romans with great demonstrations of joy. Every citizen had his guest, whom, when he had treated him in the best manner he could, he conducted and placed where he might conveniently see the sports. The peace and harmony that continued for some days,^b lulled the strangers into security ; for the Romans did not put their enterprise in execution till the last day of the festival. They had received orders to come armed that day, but to conceal their arms under their clothes. When the multitude were most attentive to the show, Romulus, who presided at it in a striped robe, called *trabea*,^c rising from his seat, gathered up his robe, and threw it over his body. This was the signal agreed upon. Instantly the Romans, drawing their swords, rushed in among the strangers, and seized their daughters. The men being unarmed and terrified, ran away, and the Romans who had no design of shedding blood, let the fathers and mothers depart in safety. In the hurry of the action, some Romans of distinction perceiving a body of their people carrying off a young woman of singular beauty, envied them so fine a prey, and attempting to take her from them, the latter cried out *Thalassio*, *Thalassio*, meaning that the young person was designed for *Thalassius*,^d a brave and worthy Roman, much esteemed in the colony ;

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king.

D. Hal.
b. 2. p.
99. Plut.
in Rom.
p. 25.

P. 26.
Livy,
b. 1.
c. 9.

* The festival began in the beginning of the month Sextilis, and did not end till the twentieth. Reckoning from March, which was the first month of the year in Romulus's calendar, the sixth month was August, which was for that reason called Sextilis, even after the regulations made by Numa Pompilius and Julius Cæsar. C. & R.

^b The learned have wearied themselves with inquiries about the habits of the ancient Romans, especially the *trabea*. All things considered, Dion. Hal. and other ancient authors, incline one to believe it was very like the toga ; with this difference, that it was adorned with stripes of purple at due distances, on a white ground. This was the ordinary habit of the kings of Rome : and it will hereafter appear, that the chief magistrates of the republic, and the Roman knights, appeared in it on certain days of ceremony. But there was likewise another sort of *trabea*, worn only by the *augures*, of which more in its place. C. & R.

^c This is the opinion of Livy and Plutarch. Varro, as quoted by Sex. Pompeius, differs from them. He thinks the word *thalassio* anciently signified those little baskets in which the ladies put their work to this day. As the Sabine virgins would not afterward give themselves voluntarily to the Romans, but on condition that they only be obliged to work in wool, they carried little baskets to their husbands'

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Romulus;
first
king.
D. 753
B. C.
P. 96.

P. 100.

and hence it was, that the crying out *Thalassio* became customary at Rome in the marriage ceremony, as *Hymen* and *Hymeneæ* prevailed among the Greeks.

As this violence had been dictated by public necessity, rather than brutal passion, Romulus's orders are said to have been observed with great exactness; he had forbid any farther attempts upon the women, till marriages should be solemnized in form. For this purpose he commanded the Sabine Virgins (for they were all called Sabine, because the greater number was of that nation) to be brought into his presence the next day. They were by this time a little recovered from their fright, and the king comforted them under the loss of their relations by words to this effect:

Livy,
b. 1.
c. 9.

"The Romans have not used this violence with an intention to dishonour, but to marry you; such methods of procuring wives are ancient in Greece, and, to women, more honourable than any other. Soften, therefore, the fierceness of your anger, impute our offence to your own fathers, who scornfully rejected our civil requests, and surrender your hearts to those men to whom fortune has given possession of your persons. Wrongs and injuries are often the forerunners of love and friendship; you will find your husbands behave themselves with so tender an affection, as shall leave you no cause to regret the loss of either your parents or your country." To these words of the king the young men added caresses and flatteries, pleading violent love in excuse of their fault; love, of all pleas, says Livy, the most easily admitted by womankind.

After this, Romulus without delay married the women to his Romans, by the same form which was ever after used in marriages, "Partake ye of your husbands

houses, on the day of marriage, to put their work in. Others say, (Plut. p. 36.) *thalassio* was the word Romulus had agreed to pronounce, when the Romans were to begin the rape. And indeed this cry suited very well with the god of the sea, whose festival they then celebrated: and therefore the poets always give him the surname of *Thalassio*. Aristophanes, speaking of Neptune, calls him *Thalassio*. C. & R.

fire and water :” and it was not long before they experienced the truth of what Romulus had foretold them. The merit and fondness of their husbands made them forget their native country and their fathers’ houses.

As to the number of these Sabine women, some historians make them to have been 683, others 527, and others reduce them to thirty, the number of the curiæ, deriving the word curia from Cures, the name of the town of which the women were for the most part natives ; but no eminent historian is of this opinion.

But whatever was their number, it is agreed, that among them all, there was only one married woman ; whose name was Hersilia. She either was mistaken for a virgin, or, as some say, would not leave her only daughter. Zenodotus, a Greek historian, mentioned by Plutarch, says, that Romulus made her his wife, and had a daughter by her named Prima, because she was his first child, and a son named Abilius. But other writers contend, that Hersilia was married to a noble Roman named Hostus, and that Tullus Hostilius, the third king of Rome, descended from her.

§. XII. THE Sabines are held by some to have been a colony of Lacedæmonians, transplanted into Italy ; and it is not improbable. At least, the moderation, wisdom, and frugality, of these two nations, gave them a great resemblance to each other. Their state was a pretty extensive one, if compared with the little neighbouring sovereignties ; but the people lived mostly in villages that were open on all sides, or only enclosed with pali-

* It is an ancient historical tradition, that the brides never stepped upon the threshold, when they went into their husband’s houses. They were held up to prevent it.

Turritaque premens frontem matrona coronâ

Translatâ vitat contingere limina plantâ. Phars. b. 2.

Varro, indeed, contends, that it was out of respect to this part of the house which was consecrated to Vesta : but Plutarch (p. 26.) says, it was to shew, that the first marriages were made by rapes. And from hence, say some authors, comes the custom of parting the hair of the new married women with the point of a lance. This was intended to shew, that iron and violence gave the first Romans their wives : and the truth of this custom seems to be confirmed by Ovid, in these words,

Comat virgineas hasta recurva comas. C. & R.

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lus, first
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sades. And, therefore, though their courage excited them to revenge the affront they had received in the persons of their daughters; yet their prudence made them seek to repair their honour by a treaty, before they would run the hazard of a war. They sent to demand the restoration of their daughters, promising on that condition to enter into a friendly and neighbouring alliance with the Romans. But Romulus was inflexible. He on his part demanded; that the Sabines should confirm the marriages of his Romans, which were made, indeed, by violence, but a violence that was become necessary. Whilst the treaty, which went on slowly, suspended hostilities on both sides, Acron, whom the historians call king of Cænina,^f prevented the Sabines, and took the field before them. He was a man of valour, and had signalized himself in many battles. He thought the neighbourhood of the Romans, which had given him jealousy from their first establishment, was now indeed become formidable since the audacious rape committed upon the Sabine women, and that it was necessary to crush, in its infancy, a colony which otherwise would increase in strength as it grew in age: and for this reason, he solicited the Sabines, as also the inhabitants of Crustumarium and Antemnæ,^g to join their forces with his. Their slowness made him impatient. He imagined he could, without their help, subdue a handful of men, got together in a city newly founded, and very little fortified: but the march of his army had more the air of an incursion of robbers, than of a regular expedition. The Cæninenses having ravaged the lands of Rome, Romulus did not confine himself with-

D. Hal.
b. 2. p.
101.

^f Cænina was situated on the confines of Latium and Sabinia. Plutarch and Strabo make it a city of the Sabines; but the authority of Livy, Dion. Hal. and Festus, who think this a city of ancient Latium, is against them. Cluverius thinks, that Cænina was on this side the Anio, four miles from Rome. Holstenius places it beyond that river, in the neighbourhood of Monticelli. C. & R.

^g Crustumarium and Antemnæ were either subject to, or in the neighbourhood of Sabinia. Some geographers think the former was situated near the place where Marigliano Vecchio now stands. They place the latter upon the Tiber, almost between the Tiburtine and Nomentine ways. But it is uncertain where they stood. Plutarch (p. 97.) says, that Fidenæ made a league with Crustumarium and Antemnæ, against the Romans. C. & R.

in his walls: he instantly marched out against the enemy, and joined battle with them in the open field, where the Romans fought for every thing that was dear to them, and even for the hopes of posterity. In the heroic times, it had been a common custom, and it was not yet abolished, for the two commanders, in the heat of an engagement, mutually to provoke each other with their eyes and voices to single combat: upon which the armies opened, and left a space where their leaders were to fight. Romulus and Acron challenged each other, and on this occasion the former made a vow to Jupiter, that if he came off conqueror, he would erect a trophy to him of the spoils of the conquered.^a As impressions of religion frequently exalt a man's courage, the young king performed the hero so well, that he slew his enemy, an experienced warrior, and stripped him of his armour. The death of Acron was followed by the rout of the Cæninenses; and Romulus pursued them to their town, which they had of late slightly fortified. The Romans entered it with the runaways, and took it without opposition. And then did the conqueror give a signal proof both of his moderation and his good policy. He spared the blood of the conquered, and contented himself with razing Cænina,ⁱ and carrying the inhabitants to Rome, to augment his colony: and the establishment he gave them, upon the same foot with his first citizens, became a precedent to himself, which he ever after followed on the like occasions. And now, either out of ostentation,

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Plat. in
Rom.
p. 27.

^a The use of trophies, especially among the Greeks, is immemorial. It was customary to erect them upon the field of battle. The ancient trophies consisted of a post, a stake, or a trunk of a tree, dressed up with the spoils of the enemy. The figures of them are to be seen on several medals, which were struck after the gaining of great and important victories. In aftertimes, conquerors erected pillars of brass, or marble, or stone, and towers, and triumphal arches, with inscriptions to perpetuate the memory of their victories. But according to Plutarch in his Roman questions, those who first made use of marble and brass for trophies were abhorred, because, says he, it seemed inhuman to transmit the shame and misfortunes of people to future ages: and he adds, that in consequence of this, they would not suffer the triumphal arches to be repaired. These monuments were generally dedicated to some divinity. C. & R.

ⁱ If we may believe Dionysius Halicarnassensis, Romulus preserved the city, and gave the inhabitants their choice, either to stay at home or settle at Rome: and the same author adds, that the conqueror thought fit to send a colony of 300 Romans to Cænina. C. & R. P. 10.

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lus, first
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or to animate his people with an ardent love of glory, he celebrated his victory with a new kind of pomp. He decreed himself the honours of a triumph;^a for so was called the reception given to generals at their return from successful expeditions. Nor is it improbable, that this example of Romulus's triumph excited the emulation of succeeding commanders, and contributed as much as any thing to the conquest of the world; but the preparations for this ceremony were suitable to the poverty of the Romans in those days: Romulus did not ride in a chariot, but entered Rome on foot,¹ with his troops marching some before and some after him. His long hair flowed upon his shoulders, and his head was crowned with laurel. He had fixed the spoils of Acron to the trunk of a small oak, and covered it with them. This trophy represented a man armed, which the king carried in triumph on his right shoulder. All the people came out of the city to meet the conqueror, singing his praises; and lined the road on both sides. As soon as he entered Rome, they presented him wine, and before the houses spread tables for those of the soldiers who wanted to refresh themselves. Romulus proceeded in the same order he entered the city, to the hill Saturnius, where, after the procession was over, he erected a small temple of only ten feet long, and five broad: and here the triumphant victor deposited his trophy, consecrating it to Jupiter* Feretrius.^m This name was

^a This was the first Roman triumph. The word comes originally from *Spaiasse*, one of the names of Bacchus, who conquered the Indies; and who, according to Pliny and Diodorus Siculus, first received the honours of a triumph. They who followed the conquerors, made the air resound with this name of Bacchus; whence the acclamation *Io Triumphe!* which is thus expressed by Horace:

Tuque dum procedis, 'Io Triumphe!'
Non semel dicemus 'Io Triumphe!'
Civitas omnis.

The order, laws, and pomp, of the ancient triumphs will be spoken of hereafter. C. & R.

¹ Dion. Hal. (p. 103.) represents Romulus as carried in a chariot drawn by four horses, *ἑνὶ καρρῷ τετραβύσσῳ*, during the ceremony of his triumph; but Plutarch (p. 27.) and Zonaras affirm, that the elder Tarquin was the first that triumphed, drawn in a chariot: and the former of those writers says, there were statues at Rome in his time representing Romulus on foot loaded with his trophy.

^m Plutarch (p. 27.) derives the word Feretrius from *ferire*, to strike; and supports his conjecture by Romulus's prayer to Jupiter to strike Acron. But this interpret

then given to Jupiter, because Romulus had himself carried thither the present he had vowed: and a name of distinction was likewise given to the spoils of the king of Cænina; they were called *opima spolia*,^a because they were more honourable than any other, being taken by the general of the Roman army from the general of the enemy's army, after he had killed him with his own hand.

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Not long after this, Romulus, with one legion levied in haste,^o subdued the Antemnates and Crustumini, who had taken arms on the same account as the Cæninenses. Hersilia, who was of Antemnæ, interceded with him for her countrymen; and as lenity suited best with the king's policy, having first consulted with the senate, he transplanted the inhabitants of both the conquered cities to Rome, where they were admitted to all the privileges of Roman citizenship; and he sent colonies from thence into their towns. By this conduct, the reputation of his clemency, as well as bravery, became so great, that several cities of Hetruria voluntarily submitted to him. Cælius, an Hetrurian leader, brought to Rome all the troops under his command, and settled on a hill near the city, which from him took the name of Mount Cælius.

Plut.
in Rom.
p. 27.
Livy,
b. 1.
c. 11.
D. Hal.
p. 104.

tion does not very well agree with what he says in another place, that the Greek tongue was in use in the reign of Romulus. What he says in his life of Marcellus, is most probable, namely, that Feretrius came originally from *φετρερον*, which signifies any machine for carriage. C. & R.

^a Festus derives the word *opima* from *ops*, which signifies the earth, and the riches it produces; so that *opima spolia*, according to him, signifies rich spoils. But Plutarch (p. 27.) derives it from *opus*, as if one had said spoils difficult to be obtained. This name was given only to such spoils as the general of the Roman army had taken from the general of the enemy's troops; at least this is Plutarch's opinion. Though Varro assures us, that not only a subaltern officer, but even a common soldier, might make a trophy of the spoils he had taken from him who commanded in chief the enemy's army. In the space of about 530 years after Romulus, only Cornelius Cossus and Claudius Marcellus are recorded to have had the glory of carrying off this sort of spoils. C. & R.

^o The word legion comes from *legere*, which signifies to choose. And indeed the Roman legions were all chosen men. The number of men in a legion was different at different times, as will be occasionally observed in the course of this history. It is sufficient to observe here, that when Livy says, Romulus led one legion against the Antemnates, he must be understood to mean, that he led 3000 foot and 300 horse against them; which were then the best part of the Roman forces. Plutarch (p. 24.) says, that the Roman legion consisted at that time of 3000 foot and 300 horse. C. & R.

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Romulus was now obliged to enlarge the bounds of Rome. The city had hitherto contained only the hill Palatinus, which was encompassed with a square wall: but upon this augmentation of inhabitants, it spread itself to the capitol, then called the hill Saturnius; and on the top of that hill they built a citadel, which was committed to the government of a noble Roman named Tarpeius; it was surrounded on all sides with ramparts and towers, which equally commanded the city and the country. They likewise built a wall from the foot of the hill Saturnius to the Tiber, and opened a gate in it which they called Carmentalis.

D. Hal.
b. 2. p
105.

§. XIII. BUT this increase of the Roman forces and fortifications did not terrify the Sabines.

They sent a second deputation to Romulus, to demand back their daughters, and upon his refusal, they marched towards Rome with an army of 25,000 foot, and 1000 horse, under the command of their king Titus Tatius. The troops which Romulus led against them, are said to have been not much inferior in number, for he received supplies from his grandfather Numitor, and from Hetruria; the Hetrurians being commanded by one Lucumo a brave warrior, or rather by one of their twelve Lucumones or governors. Romulus posted his army on the hills Esquilinus and Quirinalis.

The Sabines advanced in good order, and encamped at the foot of the hill Saturnius, in that plain, since called the Campus Martius. Tatius seeing all the posts guarded, was extremely uneasy about the success of his enterprise: but an unforeseen adventure extricated him out of his difficulties. As the Sabines were roaming round the hill, to find a passage whereby they might get into the citadel, the governor's daughter named Tarpeia, who went accidentally to draw water for a sacrifice, was much taken with the bracelets and rings with which the enemies were adorned. She therefore privately sent one of her maids to desire a conference with the Sabine

general ; and at night Titus Tatius came to the postern-gate that had been shewn him, and agreed to give Tarpeia what the soldiers wore on their left arms, provided she would facilitate their entrance into the citadel, by that very gate. It is probable the young woman, whose eyes were at first so dazzled with the ornaments of the Sabines, repented of her treachery : and then, in order to turn the stratagem against the Sabines themselves, she sent to Romulus, desiring a strong body of troops to oppose Tatius, who expected to enter the citadel the night following, by a gate that she was to open to him. But it unfortunately happened that the messenger proved a traitor, went to the camp of the Sabines, and informed them of the ambush that was laying for them. Tatius did not fail of being at the gate at the time appointed, but with a greater body of men than Tarpeia expected. As soon as it was opened, he led in his troops and made himself master of the citadel : and then the Sabines are said to have crushed Tarpeia to death with their bucklers, which they threw upon her, thinking themselves to have discharged their promise by thus giving her what they wore on their left arms.

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From her the hill Saturnius took the name of Tarpeius, which it retained till it got that of Capitoline (from the head of one Tulus, which was found there when workmen were digging to lay the foundations of a temple to Jupiter). And even then, the steepest part of it, down which criminals were thrown, continued to be called the Tarpeian rock.

The Sabines, now masters of the citadel, had the advantage of being able to continue the war with more security. For a long time, only light skirmishes passed between the two parties without much advantage on either side. At length both armies resolved to come to a general engagement. The first action (which the night put an end to) determined nothing, the success being equal on both sides. In the second, the Romans at the

D. Hal.
p. 107.

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Romu-
lus, first
king.
P. 108.

beginning had the advantage, in both wings commanded by Romulus and the Lucumo, till a brave Sabine, named Metius Curtius, who commanded the main body of the Sabine army, turned the scale in favour of his countrymen. He broke into the centre of the Roman army, and, with design to give the wings of the Sabines an opportunity of rallying, pursued it to the very gates of Rome. Romulus, seeing this, pressed no longer after that wing of the Sabines, which he had forced to give ground, but immediately faced about, and hastened to attack Curtius; who making a gallant resistance, facilitated the retreat of his countrymen towards their camp. At length Romulus met him, and engaged him in single combat. Curtius being now wounded in several places, and unable to maintain the fight, threw himself into a lake which was made by the inundation of the Tiber, because on all the other sides he was surrounded by enemies. This lake was very full of mud towards the banks, and the water was deep in the middle; so that Romulus, thinking his enemy could not escape perishing, returned to the pursuit of the Sabines. But Curtius, though encumbered with his armour, got safe out of the water, and left his name to the place; it was ever after called Lacus Curtius,^p even when it was dried up, and almost in the centre of the Roman forum.

Romulus, upon his return to his army, pushed the enemy with such vigour, that they fled in confusion, and took refuge in the citadel. The Romans followed them, and, flushed with their success, expected to have retaken it. But the Sabines rolling great stones from the top of the hill, one of them hit Romulus on the head, and stunned him, so that falling down senseless, he was carried out of the field into the city. This accident revived the courage of the Sabines; the Romans were put to flight in their turn, and pursued to the very gates of

^p Proculus says, that the Lacus Curtius was so called from the famous Curtius, who leaped into the gulf that opened in that place. And others think that it received its name from Curtius the consul (colleague to M. Genucius), who willed it in.

Rome. However, Romulus having by this time recovered his senses, rallied his troops, put himself again at their head, and drove the enemy back to the citadel.

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We are told, that in the most critical minute of the day, when the Romans were flying before the enemy, Romulus made a vow to Jupiter, in order to obtain his favour for the speedy rallying of his troops, and that, as fortune would have it, they stopped at the sight of their general, upon his return to the field of battle. Out of a belief therefore, that this was a particular blessing of Heaven, he erected a temple to Jupiter, whom he called Stator, because the Romans recovering from their fright made a stand, and faced the enemy. Livy and Plutarch say, that in this very moment the Sabine women coming out of the city with their hair dishevelled, and their children in their arms, threw themselves between the two armies, and by their tears and entreaties put a check to the fury of their fathers and husbands. But Dionysius gives a different and more probable account of the part which those women had in the reconciling of the two nations.

Romulus, first king.
Aurel. Victor, &c.

B. 1.
c. 13.
Plut.
p. 29.

§. XIV. NEITHER Romulus nor Tatius was very forward to hazard another engagement. The Sabines, who remained masters of the citadel, debated whether they should content themselves with only ravaging the lands of the Romans, and then return home; or should send for new levies from Sabinia to continue the war, till it could be finished with more advantage. The Romans, on their side, were no less doubtful and undetermined what to do. Their enemies they knew to be a powerful nation, that could more easily repair its loss than they could theirs. But, on the other hand, could the Romans with honour restore the women? Would not that be a confession of weakness which might render the Sabines more haughty and more difficult to treat with? Whilst both parties were thus deliberating and in suspense, the women, for whose sake the war had been undertaken,

D. Hal.
b. 2. p.
109.

P. 110.

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Romu-
lus, first
king.

met together without the knowledge of their husbands, and, at the persuasions of Hersilia, formed a design of mediating between the two nations. Before they could put their project in execution it was necessary to get it approved by the king and senate; this, in the present conjuncture of affairs, they found no difficulty to effect. A decree was passed, permitting the women to go upon the negotiation they proposed, on condition however that they left their children behind them; yet those who had several were allowed to take one or more with them, as it might be a means to promote the success of their enterprise.

The women being thus authorized, laid aside their ornaments, put on mourning, took some of their children in their arms, and leaving the city, advanced towards the camp of the Sabines. They no sooner arrived there, but casting themselves at the feet of their relations and countrymen, they by their tears and lamentations excited a general compassion. King Tatius having assembled his chief officers in council, and ordered the women to declare the intention of their coming, Hersilia, in the name of her companions, is said to have made a long and pathetic speech to this effect:

“If it be love to us which has moved you to begin the war, the same love should now induce you to put an end to it. It is true, we were unjustly forced away from our parents by the men who are now our husbands; but you neglected so long to revenge the injury, that we became engaged by the strictest ties of affection, to those whom at first we hated: we are full of anxiety for them when they are fighting, and we lament their deaths when they fall in battle. You do not now come to vindicate the honour of virgins, but to tear away wives from their husbands, and mothers from their children; this is not to rescue us, it is to make us a second time captives.”

When she had thus spoken, she begged a truce, that

the chiefs of the two armies might have an opportunity to treat of an accommodation. As the Sabines wanted only a pretence to lay aside their resentments, they readily accepted the proposal, and soon after the two kings had a conference, which ended to the satisfaction of both parties. A treaty of union was made and confirmed by oath. It was agreed, that both the kings should reside in Rome, and be equal in power; that as many of the Sabines as were willing might come hither and be incorporated in the tribes and curiæ; that their common city should continue to be called Rome, but that the Romans should take the name of Quirites,¹ till then peculiar to the Sabines; and that the latter should be admitted to public offices both civil and religious. Three considerable Sabine families are particularly mentioned to have followed the example of their king, and settled at Rome. The head of one of them was Valerius Volesus (to whom Plutarch gives the honour of negotiating the peace); of another, Talus Tyrannus; and of the third, that Metius Curtius who had signalized himself so much in the last battle: and these brought with them a multitude of their relations and dependants.

§. xv. By this treaty, which so considerably increased the colony, Rome became formidable. Dion. Hal. tells us, that the number of the new inhabitants equalled that of the old. Tatius, that he might imitate and equal Romulus in all respects, formed a council of 100 senators of his own nation. They were styled fathers, and enjoyed the same privileges with those who had been

Fear of
ROME.
1.

Romulus, first
king.
D. Hal.
b. 2.
p. 111.
Plut.
p. 30.

In Popl.
p. 97.

D. Hal.
b. 2.
p. 111.

Plut. in
Rom.
p. 30.

¹ Dion. Hal. says, that each particular citizen was to be called Romanus, and the collective body of them Quirites; yet it appears by this ancient form of words used at funerals, "Ollus Quiris letho datus est," that each private citizen was also called Quiris.

The origin of the word Quirites, which was at first peculiar to the Sabines, and became, in Romulus's time, the general name of the inhabitants at Rome, has been much sought for; and the most probable account antiquity gives of them, is this: The word quiris, according to Plutarch (p. 36.) and some others, signified in the Sabine language, both a dart, and a warlike deity armed with a dart. It is uncertain whether the god gave name to the dart, or the dart to the god. But be that as it will, this Quiris or Quirinus, was either Mars, or some other god of war; and the worship of Quiris continued in Rome all Romulus's reign; but after his death, he was honoured with the name Quirinus, and took the place of the god Quiris. C. & R.

Year of
ROME
1.

Romulus, first
king.

instituted by the founder of Rome. The Roman and Sabine senators held their first assemblies on affairs of state separately, at the houses of their respective kings. But afterward they all met together, near the temple of Vulcan, in a place which, because the Sabines and Romans went thither to form one assembly, was called Comitium,^r place of meeting.

Liv. b.
1. c. 19.
Plut. in
Rom.
p. 30.

And now, according to Livy, were formed the three centuries of Roman knights,^s called Ramnenses, Tatienses, and Lucres.^t The first had its name from Romulus; the second from the Sabine king; and the third from the lucus or grove where the asylum stood, and where the knights of this century had formerly dwelt. These three bodies of horse were incorporated into the Roman legions, which, according to Plutarch, consisted

^r "A coeundo, quasi comiendo." The Comitium was part of the Forum at Rome; and was at the foot of the hill Palatinus, over against the capitol. C. & R.

^s Originally the knights alone formed the body of the Roman or legionary cavalry. They who aspired to the honour of being admitted into this order on account of their fortunes or birth, often served in the army as volunteers; with this difference, that the state furnished the former with horses out of the public treasury, whereas the latter were obliged to furnish themselves with horses of their own costs. This custom continued to the time of Marius. Then Rome had recourse to her allies, to supply the deficiency of the Roman knights; and from that time, the provinces furnished as many horse as were wanted to recruit the legions. Indeed the equestrian order never had any settled form, till after the census appointed by Servius Tullus. They who had the honour of being joined to them, engaged themselves to be soldiers by profession. They fought equally on foot or on horseback, as occasion or the disposition of the ground required. They were sometimes posted in the advanced guard, sometimes in the centre, but more frequently in the wings, of each legion. But in length of time this illustrious body degenerated, and the Roman knighthood became a bare title of honour. Those who enjoyed it were distinguished from the plebeians by a gold ring they wore on their fingers. In the latter times of the republic, the Roman knights were no more confined to war than any other citizens. On the contrary, they undertook to collect the public taxes, under the name of publicans. C. & R.

^t Varro, Plutarch, and Festus, give the same names to the three tribes established by Romulus, which Livy gives to these three centuries of knights drawn out of the tribes. They are easily reconciled, if we will suppose each century to bear the name of its respective tribe. Dion. Hal. dates the division of the colony into tribes, from the first year of Rome. Plutarch brings it down to the time of this union of the Romans with the Sabines. And what can we infer from these different accounts, but that Romulus instituted the tribes from the beginning of his reign, thereby to settle his form of government; and that each tribe had no particular name, till after the conclusion of this treaty with Tatius. What confirms this conjecture, is, that the second tribe was called Tatiensis, or Titiensis, from the name of Titus Tatius. Some authors indeed give all the three names, Ramnenses, Tatienses, and Luceres, an Etrurian derivation. But the generality of historians agree in calling the colony of the inhabitants of Alba that went to Rome with Romulus, Ramnenses; and so they do, in calling the second tribe Tatienses. The others who fled into the asylum, were called Luceres, if we may believe Festus, from Luceres, king of Ardea, who, according to him, joined with Romulus against the Sabines. C. & R.

from this time of 6000 foot and 600 horse each." But the most common opinion is, that the Roman legion did not then consist of above 4000 men at the most.

Year of
R O M E
1.

Romulus, first
king.

Rome could not without ingratitude forget the services that had been done her by the Sabine women, who were become entirely Roman, by affection as well as marriage. Honourable privileges and marks of distinction were decreed them. Every body was to give way to them when they passed along; all immodest and too free discourse was forbidden in their presence: it was a law, that indecent objects should never be brought into their sight; they were exempted from the jurisdiction of the ordinary judges, in capital cases; and lastly, they were permitted to hang a ball of gold about their children's necks, to distinguish them from the vulgar.*

Plut.
p. 30.

* The most learned critics have observed, that Plutarch is mistaken, when he says (p. 30.) the Roman legion consisted of 6000 foot and 600 horse, after the conclusion of the treaty between Romulus and Tatius. But it is probable, that Plutarch meant no more, than that Romulus formed two legions, of the two united nations, which consisted each of 3000 foot, and 300 horse. Αἱ Λατίνες ἐγένοντο πρὸς μὲν ἑκατομμύριον, ἑκατὼν δισχαιρίων. And by the help of the same interpretation, we may explain Dion. Hal.'s saying, that Romulus incorporated into his legion, or army, 3000 of the Cæninenses and Antemnates. Though it were true, as some authors conjecture, that each legion did consist of above 3300 men at this time; yet it is certain, that, ordinarily, it did not exceed 4000 foot; for which reason, Festus calls a legion square; though this denomination owed its origin to their order in battle. I say, ordinarily, because on some occasions, the legion did consist, if we may believe Vegetius, of 5000 foot, and 200, 300, 400, and sometimes 700 horse. Livy tells us, the legions which were appointed to go over into Africa with Scipio, consisted of 6200 foot and 300 horse. And therefore Festus is mistaken, when he says that Marius first made the Roman legion to consist of 6200 foot and 300 horse. The number of soldiers in a legion was different at different times. Nevertheless, it is probable, that from Marius's time, the legions did more commonly consist of 6000 foot and 300 horse. C. & R.

* It is difficult to find out exactly what was the form of this ornament, which the Sabine women had leave to hang about their children's necks. It was called bulla. Plutarch says, that this bulla was like the little bubbles which the drops of rain make, when they fall upon running water: and it is therefore probable, that these little golden balls were both hollow and light; and that they were but half globes, with one side flat, and the other globular. Macrobius pretends, that Tarquin the Elder extended the right of wearing these ornaments to all the children of the patricians, and began with his own. The young Romans, when they came to the age of manhood, quitted the bulla, and made an offering of it to the Dii Lares, which were then called Lares Bullati. Hence Persius:

Cum primum pavido custos mihi purpura cessit,
Bullaque succinctis Laribus donata pendit.

And this ornament was also sometimes consecrated to some other divinity, as appears by this inscription which Gruterus gives us from an ancient monument:

JUNONI. PLACIDÆ.
CONSERVATRICI. AUGUSTÆ.
CLAUDIA. SABBATIS.
BULLAM. D. D.

Year of
ROME
1.

Romulus, first
king.
D. Hal.
b. 2.
p. 113,
114.

A particular robe was also assigned these children, called *prætexa*,[†] the use of which was forbidden to all others.

For five years together, the two kings lived at Rome in a surprising harmony. Romulus had his palace on the declivity of the hill Palatinus; Tatius resided on the hill Tarpeius; and his Sabines had fixed their settlements on the hill, which they called Quirinalis, either in memory of their city Cures, or in honour to their god Quiris. The space between the hills Palatinus and Tarpeius became a common market-place for the two united nations, and they gave it the name of Forum, which it retained ever after; and there they also held their assemblies for public affairs.

The union of the two nations soon produced a mixture of manners, customs, and religion. Rome readily adopted the Sabine gods; and Tatius built temples to the Sun, the Moon, Saturn, Rhea, Vesta, Vulcan, Diana, and Mars, who was probably the same with the god Quiris. Juno Quiritia was introduced to preside over the public feasts of all the *curiæ* in Rome: and the two nations agreed to institute some new festivals, by common consent: that called *Matronalia* was instituted in memory of the peace,[‡] which had been brought about

Plut. in
Rom.
p. 30.

The Romans used also to enclose in these bulls certain preservatives which paganism had consecrated, to secure their children against enchantments; and they perhaps attributed this virtue to certain hieroglyphics, or other mysterious characters. Or it may be, the figures of the deities and of animals were made use of for this purpose: as in that particular kind of preservatives which the Latins called *amuleta*, whose form was arbitrary. C. & R.

[†] These robes were laced at the bottom, and perhaps on the two lappets, if what Rubens thinks be true, that they were open before. They were called *prætexæ*, from this purple edging or lace. They were worn by girls till their marriage, and by boys till they were seventeen, and took the toga virilis, or manly robe. But what was in Romulus's time a mark of distinction for the children of the Sabine women, was afterward very common. All, even to the children of the *liberti*, or men who were made free, wore robes bordered with purple in their youth: and, at length, the gravest of the magistrates wore them likewise, not only at Rome, but in the colonies, and municipia, or free cities. C. & R.

[‡] This festival was celebrated on the 1st of March. Ovid, in his *Fasti*, gives other reasons for the institution of it; but grants that the chief of them was the remembrance of the benefits the Romans had received from the Sabine women. The *Matronalia* was to the Roman wives, what the *Saturnalia* was to their husbands. They now served their slaves at table, and received presents from their husbands, as the husbands did of their wives in the *Saturnalia*. The *Matronalia* was consecrated to Mars, and, according to some, to Juno Lucina; and on it the women sacrificed to these two deities. Plutarch (p. 30.) says, the two kings instituted likewise the *Carmentalia*, in honour of the goddess *Carmenta*. C. & R.

by the mediation of the women. The Romans, who had hitherto used small bucklers after the manner of the Argives, now wore larger, like those of the Sabines : and the latter conformed themselves to Romulus's calendar.* In a word, never was a more sudden or more perfect union between two nations which had been such mortal enemies.

Year of
R.O.M.E.

Roma-
lus, first
king.

During the time that Romulus had an associate on the throne, the conquest of Camerium, a town in the neighbourhood of Rome, was the only military achievement of the Romans : the Camerini, by their incursions on the Roman territory, gave occasion to the war. Being twice defeated, 4000 of them were transplanted to Rome, and a colony sent from thence to Camerium.

D. Hal.

b. 2.

p. 114.

§. XVI. BUT as it is scarce possible that concord should be perpetual in a state which is governed by two kings, whose powers are equal, and whose interests will at length prove not to be the same, the union between Romulus and Tatius, which policy had formed, and reciprocal condescensions maintained, was broke in the sixth year of their government. The occasion of it was this. Some of Tatius's people having ravaged the territory of the Lavinians,^b the latter sent envoys to Rome to demand satisfaction. Romulus declared himself for delivering up the aggressors to the injured party ; but Tatius interposed. He alleged, that it was not just to deliver up Roman citizens into the hands of strangers, their enemies ; and that the complainants ought to come and plead their cause at Rome. Nor was his conduct hitherto greatly to be condemned. But some of the

* Solinus reports, chap. 3. that before the foundation of Rome, the year consisted of thirteen months, and of 374 days ; nevertheless, it is probable that the people of the southern parts of Italy followed the Greek calendar, which made the year first to consist of 360, and afterward of 354 days, which are a lunar year. Be that as it will, the Sabines thought fit to conform themselves to Romulus's calendar. The common opinion is, that he made his year to consist of only ten months, viz. March, April, May, June, Quintilis, Sextilis, September, October, November, and December. March, May, Quintilis, and October, had each thirty-one days, the other six months but thirty. C. & R.

^b Plutarch (p. 32.) says, it was the Laurenses who were injured, and who slew Attilus at Lavinium.

Macro-
b. sat. l. 1.
c. 12.

Year of
R O M E.

Romulus,
first
king.
D. Hal.
p. 115.

envoys, in their return home, being murdered by the very robbers they had complained of, Tatius still continued to screen these assassins from punishment. However, when the Lavinians renewed their complaints, Romulus, of his own authority, surrendered up the murderers to them. Tatius looking upon this as an insult offered him by his colleague, put himself at the head of some armed men, pursued the Lavinians, and rescued his people out of their hands. So excessive a partiality to his friends, accompanied with such grievous injustice, cost him his life. For not long after, going to Lavinium with Romulus,^c to offer certain sacrifices, as the kings were obliged to do, to those tutelar gods of their state, which had been brought from Troy, and still remained at Lavinium, the relations and friends of the envoys who had been murdered, fell upon him and slew him at the foot of the altar with the priest's knives and the spits for roasting the victims. To Romulus they did no violence, but conducted him out of the town with acclamations of praise and benediction. He conveyed the body of his colleague to Rome, and honourably buried it on Mount Aventine.

Romulus being now a second time sole king of Rome, and revered not only by his subjects but by strangers, the Latin nation sought his friendship and alliance, and by their ambassadors concluded a treaty with him. To clear himself entirely of the violence offered to the envoys of the Lavinians, he pronounced sentence of banishment against the murderers, who on the death of Tatius had immediately fled from the city. After this he summoned the Lavinians who had slain his colleague (and who had been delivered up to him), to answer for their crime ; but they alleging, that they had only taken a just revenge for the murder of their ambassadors, he allowed their plea to be good, and dis-

^c According to Licinius apud D. Hal. Tatius did not go to Lavinium with Romulus, nor to offer sacrifices, but went by himself to exhort the Lavinians to pardon the criminals.

missed them with impunity:^d yet the Sabines expressed no disposition to a revolt.

Year of
R O M E.

§. XVII. ABOUT this time a plague, which a famine made more terrible, raged in Rome, and the people of Camerium took advantage of the heavy affliction the Romans laboured under, to shake off the yoke. Romulus conquered them a second time, and on this occasion had the honours of a second triumph. He entered Rome with the acclamations of the people, as after the defeat of Acron. He had slain 6,000 of the Camerini in the battle; and, of those who had escaped, he transported one half to Rome, sending from thence to Camerium twice as many Roman citizens; so prodigiously, says Plutarch, was the number of his people increased in sixteen years from the building of the city.

Romulus, first
king.
Plut.
p. 32.

D. Hal.
p. 116.

P. 33.

After this he vanquished the Fidenates,^e took their city (which stood about forty furlongs from Rome), and sent thither a colony of 2,500 Romans. But now the Veientes,^f grown jealous of their prosperous neighbour, demanded Fidenæ back, as a city in their dependence; and having received a contemptuous refusal, they laid siege to it. A second body of troops they marched against Romulus, who had an army in the field. He defeated them in two battles with great slaughter, and took a vast number of them prisoners, together with their commander, who had acted a very weak part. And what was now done at the sale of these slaves, laid the foundation of a custom which prevailed ever after. When the people offered sacrifices to the gods, in thanksgiving for any victory, they dressed up an old man in a purple robe, with a child's bulla about his neck, and cried all round him, "Sardians to sell."^g By which

Year of
R O M E
16.

Plut. p.
32, 33.
D. Hal.
p. 116,
117.

^d Plutarch (p. 32.) says they were punished.

^e Plutarch and Dionysius speak of Fidenæ as taken before Camerium.

^f Veii, the city of the Veientes, stood about 100 furlongs from Rome. D. Hal. compares it to Athens for extent and riches.

^g This account is taken from Plutarch. But Sinius Capito gives the custom a later date. He says, that when Tiberius Sempronius Gracchus the consul had conquered Sardinia, he brought so great a number of slaves from thence, that for a great while together, nothing was to be seen in the markets but Sardinians, or Sardi, to be

Year of
R O M E
16.

Romulus,
first
king.

cries and ceremony they originally alluded to these two things: that the old governor of the Veientes had ruled his state like a child; and that the Veientes, and He-trurian people, were a colony of Lydians, whose capital city was Sardis.

P. 118.
Livy, b.
1. c. 15.

Romulus being intent upon making the best advantage of his victory, passed the Tiber, and pursued the Veientes to the gates of their city; whose situation preserved it. Veii was built upon a steep rock, and Romulus had then neither the troops, nor the provisions necessary to besiege it. He therefore retired; yet with a full purpose of returning in a little time, and reducing to ashes a city, which had no motive to conspire against Rome, except jealousy or ambition. But two defeats had taught the Veientes wisdom; and they prevented their total ruin by their submission. They sent a deputation to Rome to sue for peace; and Romulus granted them a truce for 100 years, upon their surrendering seven small towns on the Tiber, with some salt-pits at the mouth of that river, and their sending fifty of their principal citizens to Rome, as securities for their fidelity. A war so advantageously ended obtained him a third triumph.

Plut.
P. 34.

This was the last military exploit of Romulus. It is surprising, and not easy to be accounted for, that this prince, who seemed so eagerly bent upon extending his domination over his neighbours, should after the death of his grandfather Numitor, leave Alba in possession of her laws and liberty. The sovereignty of that state devolved upon him, and he might have subjected it to the Roman laws; yet he reserved to himself no other power over it, than that of naming annually a magistrate, with the title of dictator, to govern it in form of a republic.

Plut.
p. 34.
D. Hal.
p. 118,
119.

§. XVIII. So great an instance of moderation in the first king of Rome is the more extraordinary, as the sold. Which gave rise to the proverb, "*Sardi venales, alius alio nequior*:" that is, "*Sardians to sell, every one worse than his fellow.*" C. & R.

historians all agree, that being elated with his continual prosperity, he now affected an absolute tyranny. He paid no longer any deference to his great council; the senators were assembled merely for form's sake; he made himself the sole arbiter in all affairs. Having erected a judgment-seat in the Forum, he there administered justice, or rather exercised cruelty, attended by his 300 *celeres*,^b and his twelve lictors, the ministers of his despotic will. But that which more than all things else provoked the fathers was, that of his own authority, and without consulting them, he shared the conquered lands among the soldiers, as he pleased; and, even against their opinion, restored the Veientes their hostages. The senators not able to endure that the government should be thus changed into an absolute monarchy, conspired his destruction: and it was not long before they effected it.

On the 7th of July, in the thirty-seventh year of Rome, Romulus (now sixty years old, or, as some say, only fifty-five) appointed a review of his troops in a plain without the city; and the senate, for the greater state, attended him thither. Whilst the king was haranguing his army, near a pond, called Goat's-pond, a sudden storm of hail and thunder came upon them. The storm dispersed the soldiers; and the senators remaining alone with the king, thought this a favourable opportunity of executing their design. The king was slain, and his body conveyed out of sight in an instant.^k

Year of
R O M E.
Romulus, first
king.

Year of
R O M E.
37.
Plut.
Rom.
p. 34.
and
Num.
p. 60.
Livy,
b. 1.
c. 16.

^b The 300 horse which Romulus had for his guard, were the first corps of the Roman soldiery. They were chosen by the thirty *curiæ*, each furnishing ten men; and Romulus divided them into three companies under the command of a general officer called 'tribunus celerum.' The particular captain of each company was styled 'præfectus celerum.' The 'tribunus celerum' had great authority in Rome, and may be said to have been the second person in the state next the king. He had a right of assembling the people on pressing occasions. C. & R.

ⁱ This adventure, according to Plutarch, (p. 36.) gave rise to the *caprotine nones*, or *populi fugium*, a festival in the Roman calendar on the nones of July. But other authors give another origin to this festival.

^k The historians are not agreed about the manner in which Romulus was assassinated. Some say it was done by the people, who were enraged at the king for shewing more favour to those who were newly come to Rome from the conquered cities, than to the old inhabitants; whilst others pretend, the senators stabbed him in full senate, and having cut his body in pieces, every one took a part of it, and carried it under his robe.

Year of
ROME
37.

Romulus,
first
king.

Some pretend, that the better to conceal the fact, the senators cut him into pieces, and that every senator carried away one under his robe. Be that as it will, the circumstance of the storm gave occasion to the fable which the assassins spread among the people, that the king was all on a sudden surrounded with flame, and snatched up in it from earth to heaven. The credulous were contented with a story which made the founder of their colony a god ; but the more penetrating conceived just suspicions against the murderers ; insomuch that the senate became odious to all the better sort in Rome. This made it necessary to find out some secret to stop the complaints, and appease the anger of the multitude : and Julius Proculus, a considerable man among the fathers, was the person whom the senate suborned to impose upon the people. He was esteemed a man of probity, and his word had the more credit, as he had always been thought a friend to Romulus, having come from Alba with him, and preferred the double fortune of his unsettled colony to the certain advantages he possessed in his own country. When the curiæ were assembled, he told them the following story, and swore to the truth of it. That as he was travelling along, Romulus suddenly appeared to him : his stature was taller than that of mortals, and his armour cast a dazzling brightness : the apparition filled him with a religious dread, and he addressed himself to it in these words : “ Wherefore, O king, and for what crime of ours, have you thus exposed us to the most unjust and grievous suspicions ? Why have you so suddenly forsaken a city, which by your absence is universally plunged in the deepest sorrow ? ” To which Romulus answered, “ It pleased the gods, O Proculus, that I should continue among mortals till I had put Rome into a condition of rising to the highest pitch of power and glory, and that I should then return to heaven from whence I originally came. Go, therefore, and admonish my Romans to love temperance and

Plut.
p. 35.

warlike exercises; for it is by these that they will one day become the masters of the world.”

Year of
R.O.M.F.
37.

This fable, averred for truth by a man who was thought sincere and honest, removed all suspicions; the people were transported with joy;¹ divine honours were decreed to the new deity; and the senate concurred to make a god of him whom they could not endure for a king.

Romu-
lus, first
king.

Such was the end of Romulus, the founder of Rome; a prince, as we have seen, of uncertain birth, brought

¹ A festival was instituted to Romulus, called Quirinalia. It was celebrated on the 17th of February.

In the relation here given of the first settlement of the Roman government, the acts and institutions of Romulus, &c. D. Hal. has been chiefly, though not entirely followed, with respect to the order in which those events are placed. As the accounts left us by that author, Livy and Plutarch, of the beginnings of the Roman state, do not perfectly agree either as to matter or time, it may perhaps be a satisfaction to the reader to let him see, by a summary of each, in what particulars they differ.

DIONYSIUS, after the building of Rome, and a formal election of Romulus to be king of it, mentions

1. The division of the colony into tribes, *curiæ* and *decuriæ*.
2. The distinction of the people into patricians and plebeians.
3. The institution of the patronage.
4. The constituting a senate. Of 100 senators, the king chooses but one. The tribes and *curiæ* the rest.
5. The appointment of the 300 *celeres* for the king's life-guard.
6. The settling of the respective powers and privileges of the king, senate, and assemblies of the people.
7. The opening of the asylum, or sanctuary of refuge.
8. Romulus's religious and civil laws.
9. The erecting a judgment-seat in the forum, where the king administered justice, attended by his 300 *celeres* and twelve lictors, with their fasces and axes.
10. The rape of the Sabine women, the union of the Sabines and Romans, and the creation of 100 new senators by Tatius.

N. B. D. Hal. makes no mention of the three centuries of knights, elected, according to Livy, in the time of Romulus and Tatius, nor of any other horsemen, but the 300 *celeres*, till the reign of Tarquin the Elder, when he says, this king would have created three new tribes of horsemen, and was opposed by Navius the augur. He afterward tells us, that Servius Tullius composed the *equites* or knights of those citizens who were most eminent by birth and riches, and divided them into eighteen centuries.

LIVY speaks of Romulus and Remus, as being both saluted kings, by their respective followers, before the building of Rome. After the building of the city and the death of Remus, he relates,

1. Romulus's making religious and civil laws.
2. His putting on a habit of distinction, and being attended by twelve lictors.
3. His opening an asylum.
4. His constituting a senate of 100 men, who were styled *patres*, and their posterity patricians.
5. The rape of the Sabine women, and the union of the two nations; after which,
6. The division of the citizens into thirty *curiæ*.
7. The institution of three centuries of knights, the *Tatienses*, *Ramnenses*, and *Luceres*.

8. Livy does not mention the *celeres* till the close of Romulus's reign.

N. B. Livy says nothing of tribes, till he comes to the four tribes of Servius Tullius: nor ever mentions the 100 new senators created by Tatius.

He says, b. 1. c. 36. that Tarquin the Elder, without increasing the number of Romulus's centuries of knights, increased the number of the knights to 1800, which

Year of
ROME
57.

Romu-
lus, first
king.

up by shepherds, and whose first empire was over a promiscuous undisciplined rabble; who, when he had built a city, peopled it chiefly with robbers, outlaws, runaway slaves, and fellows of desperate fortunes, from all quarters, men who, though restrained by laws from injuring one another, yet subsisted by rapine, and got every thing by violence, not even their wives excepted: a prince, who by his policy and courage, in a reign of thirty-seven years, brought a colony from such beginnings to be formidable to all the states around it, having before his death increased his subjects from 3300 men to 47,000, all stout soldiers, and all actuated by the same views of preserving their own liberty, and invading that of their neighbours: to conclude; a prince who, of a gang of slaves and profligates, formed a people which in time became masters of the world, and, what is worthy to be remarked, more illustrious by their virtue than by the number of their victories, or the extent of their empire.

were still called three centuries: and b. 1. c. 43. he tells us, that Servius Tullius made six centuries of the three instituted by Romulus, but that they retained the old names: and that these six with twelve other centuries of horsemen made a part of the first and richest of Servius's classes.

PLUTARCH does not speak of any formal election of Romulus to be king, but he being supposed such,

1. Opens the asylum, soon after the first foundations of the city were laid, and thereby greatly augments his colony.

2. Lists all who are fit to bear arms into military companies, each company consisting of 3000 foot, and 300 horse. These companies were called *legions*, from the word *legere*, to choose, because they were select and chosen men. The rest of the multitude were called *populus*, people.

3. Chooses 100 senators, whom he styles patricians and patres.

4. Distinguishes the rest of the wealthier sort from the common people, by making the former patrons to the latter, who are called clients.

5. Then follows the rape of the Sabine women, and the union of the two nations. After which,

6. The people are divided into three tribes, called Ramnenses, Tatienses, and Luceres (the names Livy gives to his three centuries of knights.)

7. Then the religious and civil laws are mentioned; and

8. Plutarch speaks for the first time of Romulus's robes of state, his ocleres and lieters just before his death, and as proofs of that haughtiness of spirit which provoked the senators to murder him.



CHAP. III.

NUMA.

SECT. I. The death of Romulus is followed by an interregnum. A description of that sort of government. The people grow weary of it, whereupon it is unanimously resolved to choose a king. II. The character of Numa Pompilius, a Sabine philosopher. III. He is elected to succeed Romulus; but is with difficulty persuaded to accept of the kingdom. He consults the will of the gods by augury. IV. Numa is no sooner upon the throne than he applies himself to quiet the dissensions at Rome, and to moderate the warlike ardour of the Romans by the impressions of religion. V. He divides the ministers of religion into eight classes. The Curiones, Flamines, Celeres, Augurs. VI. Vestals. VII. Salii. VIII. Feciales. IX. Pontifices. X. He directs an especial reverence to be paid to the god Janus; and makes a goddess of Bona Fides. XI. He introduces a new sort of gods, called Termini or Boundaries. XII. He amends some of Romulus's laws; and makes new ones. XIII. He sends away the idle soldiery to cultivate the lands conquered by Romulus. XIV. He distributes the citizens into distinct companies, according to their trades. XV. He reforms the calendar. XVI. Numa dies, and his books are buried with him.

Ministers of religion.

82.

§. 1. ROMULUS dying without issue, the kingdom, which, had he left a son, might perhaps have proved hereditary, as that of Alba had been, continued elective; and Rome was greatly divided about the choice of another king. The minds of the first Romans, and of the new inhabitants, were not at present in so perfect a union as formerly; there were diversities of factions among the commonalty, and jealousies and emulations among the senators. All agreed, that it was necessary to have a king; but what person, or of what nation, was the dispute. Those who had been builders of the city with Romulus, though they had yielded a share of the lands and dwellings to the Sabines, thought it by no means adviseable to resign to them the regal authority. On the other hand, the Sabines alleged, that they, after the decease of Tatius, having peaceably submitted to Romulus's government, it was but just that the king should be chosen out of their nation: nor did they esteem themselves inferior to the Romans, or to have contributed less to raise Rome to that pitch of wealth and power to which she was arrived.

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Plut. Numa, p. 60.

During these disputes, the senators,^m to prevent

Livy, b. 1.

^m Plutarch reduces the number of the senators who divided the regal power between them to 150, and Livy to 100, but Dion. Hal. makes them 200; which seems to come nearer the truth, if it be certain, that Titus Tatius added 100 senators to the created by Romulus.

Plut. p. 61.

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anarchy and confusion, took the sovereign power into their own hands. They divided themselves into decuries or tens, and each ten in their turn (as lots decided) possessed the supreme authority five days," yet so as one person only of the governing ten had the badges of sovereignty at one time, and when he had been honoured with them twelve hours, he resigned them to another. This sort of government, which was called interregnum, lasted little more than a year;^a for the people grew weary of such a frequent change of masters, who had not all the same views and inclinations; and they were likewise jealous of certain of the fathers, who seemed to aim at the establishing themselves in the supreme power. The senate therefore finding it necessary to proceed to the election of a king, the interrex for the time being summoned the people, and addressed himself to them, in these words: "Good, fortunate and happy may it be! Elect yourselves a king, O Romans. The senate give their consent; and if you pitch upon a prince worthy to succeed Romulus, will confirm your choice."^b

Livy,
b. 1.

The senate having thus recognised the people's right to choose a king, the people, in compliment, remitted the choice to the senate. But the old difficulty still

^a D. Hal. (b. 2. p. 119.) makes each man of each decury to reign five days, and consequently each decury fifty, in which case, only seven decuries could have the administration in the whole year of the interregnum.

^b Father Catrou (b. 2. p. 133.) has followed Plutarch in fixing Romulus's death to the thirty-seventh year of Rome; and (p. 144.) he has followed the same author, in fixing Numa's birth to the very day that Rome was founded, and in making him about forty when he was offered the kingdom: (by the words *about forty*, he means that he was in his fortieth year, as appears by the date in the margin; and so Plutarch, *ἔτος ἦν διατείνοντι τῷ Νουμῷ τρισεξάκιστον*.) Nevertheless, as the learned father allows with Dionysius but about a year to the interregnum, these things are incompatible. Father Rouille therefore in his note (b. 2. p. 144.) agrees with Petavius, in saying that Romulus reigned above thirty-eight years. They follow Varro's calculation in placing the foundation of Rome in April in the third year of the 6th Olympiad, and the death of Romulus in July, in the first year of the 16th Olympiad. The difference between these two dates is thirty-eight years and some months. Numa was therefore in his thirty-ninth year, when his predecessor died; and the interregnum lasting about a year, he was in his fortieth year when he was chosen king.

If the reader has perused the preliminary discourse to this work, he is probably inclined to think, that Romulus reigned neither thirty-eight nor thirty-seven years, nor even twenty, and consequently that Numa must have been born long before the building of Rome.

^p *Quod bonum, faustum, felixque sit, Quirites, regem create; ita Patribus visum est. Patres deinde, si dignum, qui secundus ab Romulo numeretur, creatis, auctores fient.* Liv. b. 1. c. 17.

remained, whether the sovereign to be elected should be a Sabine, or a Roman. At length they came to this conclusion; that the Romans should choose the king, but should be obliged to choose a Sabine.

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§. II. THERE was at this time in Sabinia a man of distinguished birth and virtue, who led a retired life, and had no thoughts of empire but over his own passions. His name was Numa Pompilius. He was the fourth son of Pompilius Pompo, a Sabine noble, and had married the daughter of King Tatius, but had not followed his father-in-law to Rome. Tatia having the same inclinations with her husband, had preferred the tranquillity of a private life to the embarrassing honours and distinctions of a court. She lived with him thirteen years at Cures; and after her death he gave himself up entirely to the service of the gods, and the contemplation of their nature and power. He left the city, and in a solitary manner frequented those groves and fountains which religion had made sacred. And hence doubtless came the fable, which was very early received among the Sabines, that Numa lived in familiarity with the nymph Egeria.¹ It is certain that when he was upon the throne he took advantage of this general persuasion to give credit to his laws, and bring about a reformation at Rome.

Plut.
p. 61.

§. III. THE Romans having pitched upon this man to be king, two senators, Julius Proculus and Valerius Volesus the first of Alban, the other of Sabine extraction, were deputed to go to him with an offer of the kingdom: they addressed him in few words, imagining there

Plut.
p. 62.

¹ Some persons, not favourable to Numa's reputation, have thought that under his affected passion for woods and caves, was concealed another which was more real and less chaste. Hence Juvenal, speaking of the grove called *Lucus Egeriæ*, says,

Hic ubi nocturnæ Numa constituēbat amicæ. Sat. 3.

But St. Austin, building upon a passage taken out of Varro's book of Antiquities, gives an allegorical interpretation of these frequent meetings between Numa and Egeria. He says, that this king, being versed in hydromancy, saw several demons in the water whom he consulted, and from whom he received the laws he proposed to his people; and that because Numa drew water for his magical operations, "eo quod aquam egresserit;" this gave occasion to the fiction, that he had married the nymph Egeria, who took her name from the Latin word *egerere*. C. & R.

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P. 63.

needed no long arguments to persuade him to accept it; but upon trial, they found themselves obliged to use many reasons and entreaties to allure him from his quiet and retired life. In presence of his father and of his kinsman Martius, he returned the deputies an answer to this effect: "Since in every alteration of a man's life the success is doubtful, it would be madness for one who is easy, and provided with all things necessary and convenient, to endeavour after any change of his condition, or even to consent to it. For what is this but to prefer an uncertain satisfaction to an assured tranquillity? It is not difficult to form a judgment concerning the temper of the Roman people, by what happened to the late king, who did not escape the suspicion of having plotted against the life of his colleague, Tatius; nor is the senate free from the accusation of having treacherously murdered their prince Romulus. And yet Romulus had the advantage to be thought of divine race, and to be preserved in a miraculous manner in his infancy: whereas my descent is merely human, and if I have gained any reputation, it is for such qualities as are in no wise proper to make me shine upon a throne; a love of peace, retirement, study, and divine worship. As Rome is envied by her neighbours, and threatened with foreign wars (for which Romulus perhaps gave no provocation), she has need of an active and warlike prince to govern her. What benefit could you receive in these circumstances from a king, who would be wholly employed in establishing peace, justice, and the neglected worship of the gods? Such a prince must needs appear despicable to a people entirely actuated by views of ambition, and the insatiate desire of conquest."

Plut. in
Num. p.
63.

The deputies perceiving by these words, that he refused the kingdom, became now more urgent with him, entreating him not to suffer them to relapse again into their former seditions and civil discord, which they

unavoidably do, if he continued to reject their offer, there being no other person on whom both parties could agree to fix their choice. His father likewise, and Martius, taking him aside, endeavoured to persuade him to accept the kingdom, as conferred on him rather by heaven than by men. "Though you are contented (said they) with your own fortune, and court neither riches nor power, ought you therefore to pay no regard to the appointment of the gods, who have chosen you to fill a throne? Have they endued your heart with so great a love of equity, only to lie useless in a desert? The throne is an eminent place, from whence virtue shews itself to advantage, and exercises a power which subdues and captivates the hearts of men. Tatius, though a foreigner, was highly esteemed by the Romans; and the memory of Romulus was so precious to them, that after his death they voted him divine honours. And who knows but Rome, influenced by the royal example, may moderate her pride and fury, and the love of arms be succeeded by a respect for religion?"

This discourse made some impression upon the philosopher, and when his own countrymen, the people of Cures, understood what message the Roman ambassadors had brought him, they earnestly pressed him to accept the offer, as the only means to appease all civil dissensions, and effectually incorporate both nations into one body. Numa yielded at length to these reasons and persuasions, and, having first offered sacrifices to Heaven, set out for Rome. He was met in the way by the senate and people, who with an impatient desire came forth to receive him; and the women also welcomed him with acclamations of joy. The interrex for the day, Spurius Vettius, for form's sake, which he thought should not be neglected, called an assembly of the people,^r that they might proceed to an election.

D. Hal.
b. 2. p.
121, 122.

^r By an assembly of the people is to be understood a convention not only of the plebeians, but of the senators, patricians, knights, and all the Roman citizens with-
ception, who had right of suffrage, of what rank or condition soever. Ne-

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Numa was there chosen king, and the choice was unanimously confirmed by the senate.

Plut.
p. 64.

But when the royal robes were brought to the new sovereign, he refused to be clothed with them, till (like Romulus) he had first consulted the will of the gods by angury. Conducted therefore to the top of the hill Tarpeius, he was there seated upon a stone, with his face to the south, and his head covered with a veil. The chief of the augurs stood behind him, and, stretching his right hand over the king's head, turned himself to the east and prayed for him. Then gazing around to discover a favourable omen, he saw some birds which were presumed to be fortunate; and this was sufficient. The king came down from the hill, the people renewed their shouts and acclamations; and, what seldom happens to a state that receives a new master, the joy was universal and sincere.

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§. IV. THE reader is not here to expect the history of a reign memorable for battles and conquests. Numa's particular glory was his quieting all contentions at home, reforming the manners of the Romans, and establishing good polity among them.

D. Hal.
b. 2, p.
123.

At the time of his accession to the throne, there were some disputes and heart-burnings between the senators of Romulus's election and those which Tatius had added to them; the former claiming certain honours and pre-eminences, which destroyed that perfect equality for which the latter contended. Many of the new comers among the plebeians were also greatly dissatisfied. Romulus had left them utterly unprovided for; and the want of a necessary subsistence made them ready to join in any sedition by which they might hope to better their fortune. Numa had no sooner taken into his hands the reins of government, than he silenced the complaints of these poor plebeians, by distributing some

vertheless, what was done in these assemblies was properly said to be the act of the plebes, or commons, because they being here more numerous than all the rest, had in reality the decision of all affairs: their decrees however in these early times were of no effect, unless they were afterward approved by the senate

of the conquered lands among them ; nor was he less successful in his endeavours to quiet the animosities among the patricians : and when the citizens of Rome were all brought to a perfect concord and harmony among themselves, so as to have no view but the public good, and when he had enlarged the city, by enclosing within its walls the hill Quirinalis, he applied himself to form such regulations as might preserve peace and make justice flourish among his subjects.

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He began his reformati^{Plut.}ons with himself, dismissing the 300 celeres, whom Romulus had made his guards ; for, he said, it would ill become him to reign over a people he distrusted, and as ill to distrust a people that compelled him to reign over them. And being sensible, that the chief source of the disorders in the state had been the too passionate love of arms, he laid a scheme for moderating the warlike ardour of the Romans, by the impressions of religion.

p. 64.

Plutarch tells us, that Numa acknowledged a first principle of all things, who is impassible, invisible, incorruptible, and purely intelligible : and for this reason forbade the Romans to represent God in the form of man or beast ; and he adds, that there was no painted or graven image in their temples and sanctuaries, for the first 160 years. Numa likewise prohibited all bloody sacrifices ; and appointed loaves and meal to be presented to the gods, with libations of wine and milk. And because Pythagoras, the Samian, brought the like ceremonies from Greece, Numa has been thought by some to have learned them from him ; but Livy, Dion. Hal. and Plutarch, are all against this opinion, and assert, that Pythagoras did not live till long after Numa's time.

p. 65.

But notwithstanding the right notions which this prince had of the Deity, he did not introduce the worship of him ; he authorized both the Alban and Sabine ceremonies of religion ; and contented himself with

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establishing order and decency in the performance of them.

Nums,
second
king.
D. Hal.
b. 2. p.
124, 125.
see p. 39.

§. v. THE ministers of religion he divided into eight classes.

First, the curiones, those priests of whom each curia or parish had one, proper to itself. Their whole number was thirty, there being just so many curiæ in Rome.

Plut.
p. 64.

The second class were the flamines,* who took their names, as some say, from the flame-coloured tufts upon their caps: but Plutarch tells us, that these priests were first called pilamines, from the Latin word *pileus*, which signified such a picked bonnet as they wore, and that flamines was only a corruption of pilamines. In Romulus's time there was a flamen called Dialis,[†] because

* The flamines were chosen by the people: after which they received an inauguration, or rather a sort of consecration, at the hands of the pontifex maximus, to whom they were absolutely subject. Their ministry was confined to one particular god, whose name they took. All other priestly offices were incompatible with that of flamen; a dignity from which they could not, but for very great reasons, be deposed. In this case they were degraded, which the Romans called *flaminio abire*. It was a crime for the flamines to appear in public: uncovered, or to offer sacrifice bareheaded. Val. Maximus speaks of one Sulpitius, who was deprived of the office of flamen, for having let his bonnet fall off whilst he was sacrificing. The body of the flamines did not form a society or particular college, as the augurs and pontifices did; but they were summoned, and took their seats as judges, whenever an affair was to be determined, the cognizance of which belonged to the college of the pontifices. Tully *pro domo sua* addresses himself to his judges thus: "Discite orationem pontifices et vos flamines." In civil life, the flamines were tied up to several trifling practices which the extravagance of paganism had made sacred. Their wives, who were called *flaminicæ*, partook of the priesthood of their husbands, and shared with them the care of the sacrifices; as we learn from A. Gellius, and some of Gruter's ancient inscriptions: and a *flaminica* could not be discovered on any account whatsoever. Death alone could separate a flamen from his wife; and upon her death he lost his sacerdotal dignity. They had under their care some young girls and boys, to assist in the sacrifices. These sorts of acolythes, whose fathers and mothers must be living, were called *flaminii* and *flaminicæ*. The number of the flamines was at first but three; afterward they increased to twelve, and to fifteen. C. & R.

† The flamen Dialis was the most distinguished of any, both by the pre-eminence of his rank, and the god he served. The engagements he entered into, as priest of Jupiter, were inconsistent with his bearing civil offices, which he could neither solicit nor accept. But to make him amends, he had the privilege of being guarded by a lictor, and wearing a magnificent robe: to which were added the honours of the curule chair. He was generally of a patrician family, as also the flamen Martialis, and the flamen Quirinalis: and therefore these were called *flamines majores*, to distinguish them from the *flamines minores*, who were plebeians. The flamen Dialis was subject to very troublesome laws, the particulars of which we have in A. Gellius. Among other things, he was forbidden to ride on horseback, or cast his eyes upon an army drawn up in battalia. It was not lawful for him to swear, and therefore his taking the oaths appointed by the laws was dispensed with. His word alone was a sufficient testimony, according to that form of words used by the prætor, which had the force of a perpetual edict, "*Sacerdotem Vestalem, et flaminem Dialem, in omni mea jurisdictione jurare non cogam.*" He could not attend funeral solemnities but with the utmost precautions. To be absent but one night from Rome, to touch a dead body, and a thousand other actions, which were in themselves indifferent

he presided in the worship of Jupiter; and another called Martialis," because consecrated to the worship of Mars. To these Numa added a third, in honour of Romulus, who had been deified under the name Quirinus.

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The third class consisted of those 300 celeres who had been Romulus's guards. Numa changed this military body into a company of sacrificers.

The augurs composed the fourth class;* their functions extended farther than the name seems to imply. They did not only foretell future events by the flying or singing of birds; all sorts of divination were within their province. They interpreted dreams; drew presages from several phenomena both in the heavens and on the earth, such as monsters, earthquakes, &c. and their ministry was equally made use of by the public, and by private persons.

§. VI. THE vestals made the fifth class: though Numa was not the first institutor of these, yet he was the first who erected a particular temple to Vesta,[†] and caused a

D. Hal.
p. 125—
127.

thought to be so many considerable faults in the flamen Dialis. But in order to lighten this heavy yoke, great marks of distinction were annexed to his office. He wore a hollow or pierced ring on his finger: he had the privilege of wearing the pretexta, and sitting in a curule chair in the senate; and only a freeman could cut his hair. In some cases, the respect shewn him was carried to extravagant superstition. Witness this law: "Unguibus Dialis, et capilli segmina subter arborem felicem, terra integunto." C. & R.

* The flamen Martialis was the second in rank among the flamines. It was not lawful for him to go out of Italy, at least in the first ages of Rome. We learn from Livy and Val. Maximus, that Aulus Posthumus, consul and flamen Martialis, could not get leave of Cæcilius Metellus, the pontifex maximus, to command the Roman army in Africa. The flamen Quirinalis was also subject to the same law. Livy, b. 37, gives us an instance of it in the person of Q. Fabius Pictor. C. & R.

† See what is said of the augurs, page 32. Numa allowing of no bloody sacrifices, instituted no haruspices.

‡ It is probable, that the ancients understood by the Vesta, whole world, or the universe to which they attributed a soul, and which they looked upon as the only divinity, sometimes under the name of *τὸ πᾶν*, and sometimes under that of *μὴν*, that is to say, unity. This was the mystical signification of Vesta, though the vulgar worshipped her as the goddess of the earth and of fire. And with a view to represent the universe under the name of Vesta, Numa Pompilius built a round temple in honour of this goddess: under which form, the temples of this goddess are still represented in medals. In the midst of the temple, Numa placed the altar of the sacred fire, which was ever burning, out of a persuasion, that the proper region of fire was the centre of the world. In all probability, this king did not think the earth immoveable, but fancied it was always rolling round the fire; that is, the sun, which he thought placed in the centre of the universe. And Plato embraced this opinion towards the end of his life; as did Pythagoras and his disciples. So that if we believe Plutarch, who relates all these facts, we must acknowledge, that the system which has since been adopted by Copernicus was known in Italy so early as in the umæ Pompilius. C. & R.

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p. 135.

fire to be kept always burning in it.² This fire the Romans looked upon as sacred in itself, and the extinction of it fatal to the republic. The king committed the care of supplying and preserving it to four virgins,^a whose names were Gegania, Verenia, Canuleia, and Tarpeia. Thus Numa, a Sabine, seems to have had more regard for the remains of the Trojan religion than his predecessor, though descended from Æneas. But Romulus for a particular reason, as some think, would not suffer at Rome any of these consecrated virgins. He feared lest the faults of the vestals should call to remembrance what had happened to Rhea Silvia, his mother.

All conversation with men was not forbidden these virgins; they were permitted to receive visits from them by day; by night, none but persons of their own sex were suffered to come into their apartments. They were obliged to strict continence for thirty years: of which they employed the first ten in learning the ceremonies of religion, the next ten in the performance of them, and the ten last in teaching them to the younger vestals. After this they were permitted to quit the functions of priestesses, and marry. But as these late marriages were observed not to be very happy, few of them left their old profession, even after the time of their ministry was expired. And indeed the restraints of their condition were in some measure compensated by the honours that were annexed to it. If they chanced to meet a criminal going to execution, they had the pri-

r. 127.

Plut.
p. 66.

² The keeping up of a sacred fire had always been a part of religion, in different nations. "The fire shall ever be burning upon the altar, saith the Lord, it shall never go out." Lev. vi. 13. Such a fire was preserved in the temples of Ceres at Mantinea, of Apollo at Delphos and Athens, and in that of Diana at Ecabatana among the Persians. Setinus committed the care of the sacred fire of the temple of Minerva, and of the statue of Pallas, to a society of young women. The magi had the charge of keeping a fire always burning on altars erected in the middle of those little temples which Strabo calls *pyresdria*. A lamp was always burning in the temple of Jupiter Ammon. And, if we may believe Diod. Siculus, this custom came from the Egyptians to the Greeks, and from them to the Romans, who made it a principal point of their religion. C. & R.

^a Tarquin the Elder added two more, and this number was never increased. The vestals were chosen from six to ten years of age. None beyond that age were admitted.

vilege of pardoning him, provided they affirmed, that their meeting him was purely accidental. It was a capital crime to enter with them into the litters in which they were carried. At what age soever they were admitted vestals, they became immediately mistresses of their own fortunes. And lastly, they had a right of making their wills, even in their father's lifetime."^b

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But then, as the honours done them were great, so were the punishments of their faults. The least levity in their behaviour, the smallest neglect in the discharge of their office, was, after proof made of it before the pontifices, punished, at their command, with severity. The penalty, inflicted on them for prostituting their honour, had something in it inexpressibly terrible. The offender, placed in a litter, shut up so close* that her cries could not be heard, was carried across the forum, and thence through the Colline gate, to the place where she was to be buried alive. Her friends and relations walked before her in tears, in the same order as a funeral procession, till they came near the vault in which she was to end her days. In this vault was a little bed, a lamp burning, and a small quantity of provisions. The pontifex read some prayers over her, with a low voice; but without the lustrations and other expiatory ceremonies used for the dead. This done, they let her down into the vault, and bricking up the entrance, covered it with earth. It is not certain, that this custom of burying the vestals was so early as Numa. Some authors say, they were burnt; and others, that they were stoned. As for the partner in the crime, he was whipped to death.

Plut.
p. 67.

To suffer the sacred fire to go out, was also an unpardonable negligence in the vestals: being thought to forebode approaching ruin, alarmed the whole city. Fresh fire kindled, according to Festus, by rubbing two pieces of wood together, or, according to Plutarch, by

Dio Cassius says this privilege was granted them by Augustus. l. 56.

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king.

the rays of the sun, was brought into the temple of Vesta, after many purifications; and the pontifices examined into the causes of this wicked neglect, that it might be punished with severity. Festus says, that the pontifex whipped the offender through a veil.

§. VII. THE sixth class,* established by Numa, were the salii. For their origin we must go up as high as Evander, who brought from Arcadia into Italy a company of musicians, the chief of whom was named Salius. Their office at first was only to sing at the sacrifices: but it was afterward changed to dancing to the sound of the flute, in honour of those genii on whose favour success in war depended. Numa Pompilius laid hold of an opportunity that offered to revive this order, and make it a religious one. In the eighth year of his reign, a pestilence, which ravaged Italy, was severely felt in Rome. Fear increasing the superstition of the people, Numa took advantage of it for the promoting of his views with respect to religion. He made them believe, that a shield of an extraordinary make fell down from heaven to him, and that the nymph Egeria and the Muses had told him, the health and prosperity of Rome depended upon the preservation of that shield. For fear, therefore, lest so precious a *depositum* should be stolen, and that it might be the more difficult to distinguish it, he ordered a skilful workman, named Mamurius, to make eleven more exactly like it. He pretended, that the nymph Egeria and the Muses had directed this, and also that the fountain where he used to converse with them, and the fields about it, should be consecrated; and that the vestals should from that fountain draw all the water with which they sprinkled their sanctuary. The twelve shields, called ancilia, he hung up in the temple of Mars, and appointed twelve young Romans, taken out of good families, to be the keepers of them. Their name of salii was agreeable to their ministerial office: for the descent of the miraculous shield

D. Hal.
p. 129,
130.
Plut.
p. 68.

was annually celebrated by them on the 1st of March, with public dancings.^c

Year of
ROMAN
from
41 to 82.

§. VIII. THE seventh class of ministers dedicated to religion, were the *feciales*; whose employment being of importance to the state, and their authority great, and for life, care was taken to choose them out of the best families. It is probable, that a war, with which this pacific king was threatened by the *Fidenates*, occasioned his thinking of this establishment. Notwithstanding the revolt of *Fidenæ*, and the depredations committed by its inhabitants on the Roman lands, Numa thought himself obliged to attempt an accommodation by treaty, before he had recourse to arms. The better, therefore, to ascertain the equity of this war, if he should undertake it, and of all such as Rome should for the future engage in, he established a sacred college of twenty persons, who were to be in some measure the arbiters of war and peace: it was not lawful to commit any hostilities on the lands of the neighbouring nations, till all means of an amicable accommodation had been first tried without success. In case the republic had suffered any injury from a foreign state, two of these *feciales*, or heralds, were dispatched to demand satisfaction; and the manner was this: one of them, chosen by the college, under the name *pater patratus*,^d to be the chief

Numa,
second
king.
D. Ital.
b. 2. p.
131, 132.

^c. In this festival, the twelve *salii* marched out of the temple in good order, each carrying one of the sacred shields on his left arm, and a javelin in his right hand. They were dressed in habits striped with purple, and girded with broad belts, clasped with brass buckles; on their heads they wore helmets, or high bonnets which terminated in a point. As they marched, sometimes they sung in concert, and sometimes they danced to the sound of instruments, martial entries, which they diversified agreeably enough. Sometimes one only danced, who was called *præsul*; he was the head of the company, and both led the dances, and regulated them. Sometimes they all joined together, and diverted the spectators with their martial attitudes, and their quick and lively motions. They were particularly expert in beating just time, which they did with their javelins upon their shields. In the choice of the *salii*, Numa would have these two rules observed: First, that they should be natives of Rome, and free-born. Secondly, that their fathers and mothers should be alive. By this means he made sure of their fidelity, their parents being their security. The festival lasted several days, during which the first Romans were scrupulous of undertaking any serious and important affair. It was not then lawful for them to marry, or undertake a journey, or any military expedition. In the latter ages, they shook off the yoke of this superstition, and became less scrupulous. The *salii* ended all these days of ceremony with repasts, in which no cost was spared. Hence Tully uses the words, *in modum cenare*, to signify a splendid entertainment. C. & R.

^d persons were ever deputed to treat of peace or war but such whose fathers

Year of
ROME
from
41 to 88.

Numa,
second
king.

actor, was clothed in a magnificent habit, and in his hand was put a sort of sceptre, or caduceus, which distinguished him from his colleague. Thus accoutred he went out of the city: and when he arrived at the enemy's frontiers, he called Jupiter and the other gods to witness, that he came only to demand justice on behalf of the Roman people. Then he advanced into the country of the aggressors, and took a second oath, that he would say nothing at the place whither he was deputed to go, but what was true, and require nothing but what was equitable. He told the first stranger he met, that he had taken these oaths, and then went on towards the city of which he was to demand satisfaction. As he entered it, he repeated the same oaths at the gate, in presence of the officer who was upon guard, or at least of some of the inhabitants. From thence he went on to the place of public concourse, and there declared the reasons of his coming. This done, he desired a conference with the magistrates: and if they submitted to reason, and delivered up to him the persons who had been guilty of the insult offered to Rome, he carried them away with him. If the magistrates asked time to deliberate, he gave them ten days; and, when these were expired, ten more; and so on to thirty. But if, after the thirty days, they still continued to refuse him justice, he called the gods of heaven and hell to witness against them; and forthwith declared, that he was going to make his report at Rome, where it would be considered of at leisure. Upon his return to the senate, he reported, that he had performed all the duties of his office, and that nothing hindered the Romans from declaring war; and then was the time for the senate to

were living, and who were themselves the fathers of several children. And from hence comes the name of *pater patrati*, i. e. fathers in reality (or perhaps, fathers who had fathers), according to Plutarch; who adds, that this law was a political invention of Numa. This king thought that a man who had a father and children alive, would be the more inclined to be faithful to his country, and promote its interests. C. & R.
If the senate determined to declare war, the *faciles* returned to the enemy's country, and in the presence of three witnesses who were arrived at the age of puberty, declared the cause of the war. After which he committed the

come to a resolution. But before these formalities had been observed, it was not lawful for either king or senate, military tribunes or subaltern officers, to attempt any thing against the enemy. In this manner did Numa, perhaps a little at the expense of his own authority, put a check to the precipitate sallies of the Romans, who attended more to the suggestions of their ambition, than the rules of equity, in making war : and it was probably owing to these regulations, that the Fidenates escaped the resentment of the Romans ; for the latter undertook no war in Numa's time.

Year of
ROM E
from
41 to 82.

Numa,
second
king.

§. IX. THE eighth, and most venerable of all the different bodies consecrated to religion, was the pontifices ;^f the origin of which name is uncertain. Their office was to give judgment in all causes relating to religion ;^g

D. Hal.
b. 2. p.
132, 133.

hostility, by throwing a bloody javelin : and at the same time uttered this form of words, which A. Gellius has preserved : "The Hermondulian people, and those of this country, have offered violence to the Roman people, who for that reason declare war against them." The name Hermondulian is of no determinate signification, and was then universally applied to all nations. C. & R.

^f Most of those who have written on the Roman antiquities, (and particularly D. Hal. p. 132. and Varro de Ling. Lat. 1. 4.) derive the word pontifices, from *pons* and *facere*, the repairs of the bridges being committed to their care. Bridges were then thought sacred. The most solemn sacrifices were performed upon them. The bridge Sublicius is said to have been built pursuant to the directions of an oracle, which forbade the use of iron in the framing it, and commanded that the parts of it should be joined together with wooden pins. But Plutarch finds fault with the above-mentioned etymology of the word pontifex. He says, this word was in use at Rome before there were any bridges there. The wooden bridge itself, which was the first that was built at Rome, and called Sublicius, was of so late a date, as to be the work of King Ancus Martius, Numa's grandson ; whereas the word pontifex was in use so early as in Numa's time. Plutarch (p. 65.) therefore gives another derivation of the word pontifex ; he derives it from *pontis*, which, in old Latin, signified powerful or absolute master : some authors derive it from the two words *potis* and *facere*, understanding by the word *facere*, to sacrifice.

From Numa's time, to the middle of the fifth century, after the foundation of Rome, the college of pontifices consisted but of four. Afterward at the request of the people, who were desirous of sharing the honours of the priesthood with the patricians, four pontifices, of plebeian families, were added. To these eight Sylla added seven more. The first eight were, according to some, styled pontifices majores, and the rest pontifices minores. According to others, these titles distinguished the patrician pontifices from the plebeian.

^g It will appear in the latter ages of the republic, that the people claimed the right of choosing the inferior pontifices : for as to the pontifex maximus, he seems to have been always chosen by the people, assembled in their comitia. At least, we find instances of this kind in Livy, especially in b. 25, at the very time when the inferior pontifices were chosen by the pontifical college. The pontifex maximus was also generally taken out of the other pontifices. The emperors assumed this dignity from Octavian's time ; and the Christian emperors continued to bear this title, to the time of Gratian, who (as we learn from Zozimus) absolutely refused it. C. & R.

^h Tully, in his oration, "pro domo sua," tells the pontifices, that the honour and the commonwealth, the liberty of the people, the houses and fortunes of the and the very gods themselves, were all committed to their care.

Year of
ROME
from
61 to 88.

Numa,
second
king.

to inquire into the lives and manners of the inferior priests, and to punish them, if they saw occasion; to prescribe rule for public worship; to regulate the feasts, sacrifices, and all other sacred institutions; to determine what works should be deemed lawful, and what unlawful, on festival days. Their president had the title of pontifex maximus; and his office was one of the most honourable in the commonwealth. Some say, the king reserved this eminent dignity to himself; and others, that he conferred it on his kinsman Numa Martius.

§. x. SUCH were the eight classes into which Numa divided the priests and ministers of sacred things, multiplying the ceremonies and amusements of religion, in order the more effectually to divert the Romans from the pursuits of ambition, and the violence of arms. It was with the same view, or at least to give a check to the hasty proceedings of this fierce and rugged people, ever ready, upon the slightest occasions, to begin a war, that he caused a particular reverence to be paid to Janus,^b whose two faces, being the symbol of prudence, which looks backwards and forwards, and considers the causes and consequences of things, were to be a memento to them to recollect themselves, before they gave way to their fury. He ordered the temple of that god to be kept shut in time of peace, and open in time of war.

D. Hal.
p. 134.
Plut.
p. 70.
Bona
Fides.

But there is no part of Numa's management which Dionysius admires so much, as his contrivance to make the Romans honest, by turning Good Faith into a goddess, and appointing her a divine worship. It was a new invention unknown to both Greeks and barbarians, and contributed greatly, as that historian observes, to bring the republic to be faithful to her treaties, and the pri-

^b Livy leaves it uncertain, whether Numa built the temple of Janus, or not. Dion. Hal. and Plutarch say nothing of it. Varro, as quoted by St. Austin, says, that Romulus caused the first temple of Janus, in Rome, to be erected, after the treaty made between him and Titus Tatius; and that he gave this god two faces, to show that at Rome two kings reigned at the same time, and two nations were become one. C. & R.

vate citizens to their contracts with one another, into which they entered without witnesses. A scrupulous regard to truth became in time so universal among them, that the magistrates frequently determined doubtful causes between man and man by the bare affirmation, *ex fide*, as it was called, of the plaintiff or defendant. This veracity and this strictness in the performance of covenants were virtues still subsisting among the Romans in the time of Polybius, who gives them the glorious testimony, that they inviolably kept their word, making witnesses and securities needless; whereas ten securities, twenty promises, and as many witnesses, were no fence against the knaveries of the Greeks.

Year of
ROME
from
41 to 82.

Numa,
second
king.

Polyb.
b. 6.
c. 54.

§. XI. THE same spirit of equity in Numa made him likewise introduce other deities, under the nature of termini or boundaries. In Romulus's time, neither the Roman territory in general nor the estates of private persons had any fixed limits. That ambitious prince would have betrayed his own cause; and his encroachments on his neighbour's lands would have been too manifest, had he set bounds to his own. But Numa, having no views of enlarging his dominion, ordered stones, dedicated to Jupiter Terminalis, to be placed on the borders of the Roman state, to mark the just extent of it. The same was done with regard to the lands of private property, and these land-marks became themselves a kind of deities. To remove them was deemed a sacrilege of so heinous a nature, that any man might with impunity slay the transgressor. And, in order to render the law yet more inviolable, Numa instituted a festival called Terminalia, in honour of the *dii termini*:¹ it was celebrated the 22d or 23d of the month of February. The owners of lands met on the confines of their estates, and there made their offerings of

D. Hal.
b. 2. p.
133, 134,
Plut.
p. 71.

¹ The *Dii Termini* invented by Numa, were, in his time, nothing more than square stones, or posts, to which a religious honour was paid. Afterward they were adorned with statues representing human figures, were crowned with flowers, and rubbed with Oil & R.

Year of
ROME
from
41 to 82.

Numa,
second
king.
Cic. de
Leg. b.
2. c. 8.

loaves, and the first gatherings of their fruits and harvests. Thus did this wise king make a great variety of superstitions serviceable to the purposes of equity.

These following laws of Numa, concerning religion, subsisted in Rome ever after: "Let none appear in the presence of the gods, but with a pure heart, and sincere piety. Let none there make a vain show and ostentation of their riches, but fear lest they should thereby bring on themselves the vengeance of Heaven. Let no one have particular gods of his own, or bring new ones into his house, or receive strange ones, unless allowed by edict. Let every one preserve in his own house the oratories established by his fathers, and pay his domestic gods the worship that has always been paid them. Let all honour the ancient gods of heaven, and the heroes whose exploits have carried them thither, such as Bacchus, Hercules, Castor, Pollux, and Quirinus. Let altars be erected to the virtues which carry us up to heaven; but never to vices."

Plut.
P. 71.

§. XII. THOUGH religion was Numa's chief care, the explaining and amending the civil laws took up a great part of his attention: particularly he reformed that law of Romulus, which gave fathers an unlimited power over their children; he would not suffer them to sell their sons after marriage; because it was very unjust, that a woman who had married a freeman, should be constrained to live with a slave.

This king in his regulations had an especial regard to the preserving modesty in women. He excluded them from all public affairs; insomuch that a woman having appeared in a court of justice to plead her own cause, it was looked upon as one of those prodigies, which foreboded danger to the state, and as an ill omen which ought to be averted by expiations. He also forbade prostitutes to enter into the temple of Juno. Nevertheless, he permitted husbands to lend out their wives, when these had borne them children. It was a sort

A. Gell.
b. 4. c. 8.

temporary divorce, in favour of those men whose wives were barren, but the lender continued to have the power of a husband over his wife, and could call her home, or lend her to others, as he pleased.

Year of
ROME
from
41 to 88.

Numa,
second
king.

Numa, observing that the expenses in mourning habits and funeral ceremonies were carried to excess, put a restraint upon that kind of extravagance.^k Nor would he suffer the dead to be buried or burnt within the walls of Rome. He forbade the mourners at funerals to make loud lamentations, and abolished the mad custom of the women's tearing their faces upon the death of their children or husbands; and, lastly, he limited the time of mourning to ten months.

§. XIII. NOR were these the only reformatations made by Numa. Romulus having employed his people in continual wars, his successor was much embarrassed with a soldiery, who had been accustomed to plunder, and who were now without business. He shared therefore among them those lands which the late king had obtained by conquest, and had left uncultivated. And the better to keep them constantly attentive to the improvement of their farms, he distributed them into pagi, or villages, over each of which he appointed a chief or superintendent. The business of the superintendent was, to have a watchful eye over the husbandmen, to encourage them when diligent, and to punish them when slothful. He was also to make a report of the progress of agriculture in his district to the king, who, judging of every man's capacity for public affairs by his prudence and economy in the management of his farm, frequently advanced the industrious husbandman to the first dignities in the state. Plutarch observes another great advantage arising from this manner of employing the idle soldiery:—that hereby they were not only inured to fa-

Plut:
p. 71.
D. Hal.
p. 135.

Plut.
p. 71.

^k The dead were anciently carried on funeral-beds, which were adorned with flowers and coronets. And when luxury prevailed, the Romans took a pride in multiplying these beds, adorning them in a costly manner, and exposing the images of the dead upon them, to make the procession the more stately and
C. & R.

Year of
ROME
from
475 to 83.

Numa,
second
king.

tigues, as in time of war, but became accustomed to a peaceable and regular way of living; for there is nothing which so reconciles the minds of men to peace, as husbandry and a country life: it makes them abhor all violence, at the same time that it gives them courage and resolution to defend their arable lands and pastures from the encroachments of their neighbours.

§. XIV. BUT the masterpiece of Numa's policy, according to Plutarch, was his distribution of the tradesmen of Rome into distinct corporations.¹ The city had been long divided into two factions, occasioned by the mixture of the Sabines with the first Romans. Hence arose the dissensions of the interregnum; and it was an inexhaustible source of discord. Numa, therefore, to remedy this evil, and to abolish the very names of Tatian and Romulist, made all the artists and tradesmen of Rome, of whatsoever nation they originally were, enter into separate companies, according to their respective professions. The musicians, goldsmiths, carpenters, curriers, dyers, tailors, &c. formed distinct communities. He ordained particular statutes for each of them, and granted them peculiar privileges, and a power of making by-laws. Every corporation was permitted to hold lands, have a common treasury, and to celebrate festivals and sacrifices proper to itself; in a word, to become a sort of petty republic. By this means, says Plutarch, the Sabines and Romans, forgetting all their old partialities and party names, were brought to an entire union.

§. XV. THE last reformation which this second king of Rome undertook, was that of the calendar: and if he did not bring it to its utmost perfection, he at least purged it of its grossest faults.

Varro.
Macro-
b. 1.
c. 14.

The year is said to have consisted, before his time, of but 304 days; which is neither agreeable to the solar

¹ This regulation of Numa's is not mentioned by Livy, or Dion. Hist. and indeed it seems inconsistent with what the latter says, b. 2. p. 95. that only two sorts of employment, war and agriculture, were permitted to the freemen by Romulus, and that all other occupations were for a long time looked upon by the natives as dishonourable, and left to slaves and strangers.

nor lunar year. Numa therefore did his utmost to make it agree with the courses both of the sun and moon: and he took this method in order to it. He knew the lunar year consisted of 354 days, and he made his to consist of 355: the additional day was given to it out of superstition; Numa being persuaded, that the gods were pleased with odd numbers.^m And upon the same principle, when he added January and February to the old year,ⁿ which consisted only of ten months, he appointed that the months which before contained, some of them more than thirty-five days, others fewer than twenty, should now have each twenty-nine days, or thirty-one. February only consisted of twenty-eight; and it was therefore looked upon as a fatal month, and consecrated to the infernal gods, who were thought to be pleased with even numbers. Numa appointed likewise, that the year, which before began with the month of March, should henceforwards begin with that of January. And after he had in some measure regulated his year by the course of the moon, he turned his thoughts to make it agree with that of the sun. He was not ignorant that the course of the sun took up about eleven days more than that of the moon: and therefore he appointed that every two years an intercalary month of twenty-two days should be added to the rest; which month the Romans called Mercedinus.^o

Year of
R O M E
from
41 to 28.
Numa,
second
king.

^m This whimsical notion was built on the most chimerical foundation. The pagans looked on an even number as the symbol of division, because it could be divided into two equal parts: whereas an odd number was, for the contrary reason, the symbol of concord. This prejudice gave birth to a thousand superstitious practices, some of which are continued even among those whom reason, enlightened by religion, ought to have undeceived. It was a notion that came originally from the Egyptians. G. & R.

ⁿ January had its name from Janus. February was so called from the expiations signified by the word *februs*, which were in this month performed. March had its name from Mars, the supposed father of Romulus, which upon that account had been placed first. April from Aphrodite or Venus, because of the superstitious worship then paid to her. May from Maia, the mother of Mercury, to whom this month was made sacred. June from Juno, or as some will have it, from Juventas, because the season is warm, or as it were, juvenile. The rest had their names from their order, as Quintilis, Sextilis, September, October, November, and December. Only Quintilis and Sextilis were afterward turned into July and August, by the senate in the time of Julius Cæsar and Augustus.

^o Metaph. in the Life of Julius Cæsar, calls this month Mercedonius. And Festus of certain days, which he calls Mercedonius dies, because they were the time for the payment of workmen and domestics. The intercalary month began

Year of
ROME
from
61 to 82.

Numa,
second
king.

And as he was sensible that the solar year consisted of 365 days and 6 hours, and that these 6 Hours made a whole day, in four years; he therefore commanded that the month Mercedinus, after every four years, should consist of twenty-three days. Thus did this learned prince remedy the disorders of the calendar, as far as he could, and put it into a condition of more easily admitting of new corrections.

§. XVI. NUMA had now filled the throne near forty-three years; and was about eighty-two years old when he died of some chronical distemper, which gradually wore him away, without lessening the vigour of his mind. During his whole reign no declaration of war had obliged the Romans to open the temple of Janus. He became the arbiter of all the differences among his neighbours; and his virtues seem to have communicated themselves to all the nations round about Rome.

D. Hal.
p. 135
Plut.
p. 73.

As to the Romans themselves, it might be literally said, that their weapons of war were changed into instruments of husbandry. No intestine seditions, no ambitious desires of the throne, nor attempts upon it, nor so much as any murmurs against the person, or administration of the king, appeared among them. When he died, they lamented him as sincerely, as if every man had lost his own father; and the concourse of strangers to Rome, to celebrate his obsequies, was exceedingly great. Numa had forbidden the Romans to burn his body; they therefore put it into a stone coffin, and, pursuant to his own orders, buried the greatest part of the books he had written, in the same sepulchre with him.^P In

P. 74.

the day after the Terminalia. A little astronomy is sufficient to shew, that Numa's year could not agree with the courses of the sun and moon. The exact periods of the revolutions of the sun and moon were not then known. Livy writes, that Numa first instituted the days the Romans called *Fasti* and *Nefasti*. Macrobius, b. i. distinguishes three sorts of days, which he calls *Festi*, *Profesti*, and *Interfesti*. The first were consecrated to the worship of the gods; the second set apart for public and private business; the last were divided between both. C. & R.

^P These books, when dug up some time after, were burnt by a decree of the senate. He had therein explained his reasons for the novelties he had introduced into the Roman worship. We are indebted to Varro for this account. He tells us, that one Terentius had a piece of ground near the Janiculum; and that a husbandman one day accidentally running his plough over Numa's tomb, turned up some

consequence of the law he had made, that no dead body should be interred within the city, he himself had chosen a burial-place beyond the Tiber, at the foot of the Janiculum: and thither he was carried on the shoulders of his senators, and followed by all the people, who bewailed their loss with tears. He left no children, except a daughter, named Pompilia, who was married to Numa Martius (the son of his kinsman Martius, who had persuaded him to accept of the government), and was the mother of Ancus Martius, fourth king of Rome.

Year of
R O M E
from
41 to 89.

Numa,
second
king.

CHAP. IV.

TULLUS HOSTILIUS.

SECT. I. Tullus Hostilius, a man of a generous and martial disposition, is elected by 88. the Romans to succeed Numa. II. The rivalry between Rome and Alba for superiority. III. The dispute is decided by the famous combat between the three Horatii and the three Curiatii, in which the latter are all slain, and two of the and Curiatii. IV. The surviving Horatius, returning to the city, in triumph, stabs his own sister, for reproaching him with the death of her lover. He is tried by the Duumviri, and condemned to die. He appeals to the people, and they mitigate Appeal the sentence. V. Tullus, in conjunction with the Albans, engages in a war against the Veientes, and defeats them. The treachery of the Albans. Tullus demolishes people. Alba, and transplants the inhabitants to Rome. VI. He vanquishes the Fidenates, Sabines, and Latins; and institutes the Saturnalia. VII. In his old age, he destroyed. falls into superstition, and studies magic. He is assassinated in his own palace. 113.

§. I. THE two factions of the Romulists and Tatians, whose quarrels suspended for so long a time the election of a successor to Romulus, being now no more, the interregnum which followed the death of Numa proved very short. Tullus Hostilius, a man of a warlike genius, was unanimously chosen king by the people, and accepted by the senate. He was grandson to a noble Roman, named Hostus Hostilius, who is said to have

Year of
R O M E
83.

Tullus
Hosti-
lius,
third
king.
Livy,
b. 1.
c. 22.

legislator's books; wherein he gave his reasons for establishing the religion of the Romans upon the foot on which he left it. The husbandman carried these books to the prætor of Rome, and the prætor to the senate; who, when they had read the frivolous reasons he assigned for his religious establishments, agreed, that the books should be destroyed according to Numa's intentions: and it was accordingly decreed, that the prætor should throw them into the fire. Varro apud S. Aug. l. 7. de Civit. Dei.

84. St. Austin thinks there were some footsteps of magic in these books; of Numa had in his lifetime been suspected. C. & R.

Year of
ROME
83.

Tullus
Hostili-
us,
third
king.

signalized his courage in Romulus's time, in the second battle with the Sabines, and to have married either the famous Hersilia or her daughter.

Tullus having riches enough in his own patrimony, both for the maintenance of his household, and the expenses of the public worship, was no sooner upon the throne, than he distributed, among such of the citizens as remained unprovided for, those portions of the conquered lands which his predecessor had reserved for the royal demesnes, or set apart for the uses of religion: and thus he began his reign by a shining act of generosity, which gained him immediately the universal affection of his people.

This prince being not only generous and brave, but of an enterprising genius, found in himself a greater inclination to tread in the steps of Romulus than those of Numa: but the laws established by his pacific predecessor laying such restraints upon his martial ardour, as he could not instantly break through, he waited till fortune should be so favourable as to set him free: and it was not long before she furnished him with a pretext to open the temple of Janus.

§. II. THE Albans, upon the death of Romulus, seeing the race of their ancient kings extinct, had resumed their independence upon Rome; and they chose their own governors. Coelius, or (according to Livy) Cluilius, was now at the head of affairs in Alba. He is sometimes styled king, by the historians, and sometimes dictator. His jealousy of the growing greatness of Rome, which by the conquests of Romulus, and the wise administration of Numa, was already become equal to any city in Italy, made him impatient to put a stop to its growth; and having no plausible reason at present to give his people for engaging them in a war with the Romans, he made use of the following stratagem to bring them into his sentiments and measures. He privately commissioned some of the vilest and most

gent of his subjects to go and ravage the Roman lands, not doubting but Rome would immediately fly to arms to revenge herself, and thereby give him a fair opportunity to make her pass, in the minds of the Albans, for the first aggressor, and the beginner of the war. Nor was Cluilius disappointed in his expectation. A Roman army entered the territories of Alba, attacked the robbers, slew many of them, and took abundance of prisoners. Cluilius being now sufficiently provided with matter for this purpose, convened an assembly of the people, inveighed against the Romans, produced a great many of the wounded, as also the relations of those who had been killed or taken, and, by exaggerating the losses which Alba had sustained, at length brought the assembly to this conclusion: that an embassy should be sent to the Romans to demand satisfaction of them, and, in case they refused it, that war should be declared.

When the ambassadors arrived at Rome, Tullus, guessing at their errand, resolved to prevent them, and be the first in demanding satisfaction; that so he might throw upon the Albans all the odium of the breach between the mother-city and the colony: for it had formerly been agreed between them, that they should never make war against one another, till a reparation of the damages sustained on either side had been previously asked in a friendly manner. It was for this reason that Cluilius had hastened the departure of his deputies; but Tullus, no less artful than he, made use of various pretences to defer giving them audience; and he contrived to have them so agreeably entertained in the houses where they were lodged, that they neither cared to stir abroad, nor had any uneasiness about these delays. In the mean time, the Roman king sent an embassy to Alba, with orders to require satisfaction on the part of Rome, and to press the conclusion of the affair. A *fecialis* was at the head of the ambassadors, who, setting fore sun-rising, reached Alba the same morning.

Year of
R O M E
88.

Tullus
Hosti-
lius,
third
king.
P. 138.

Year of
ROMAN
68.

Tullus
Hostilius,
third
king.

P. 139.

They found Cluilius in the midst of the public forum, and there discharged their commission, putting him in mind to conform himself to the old treaty of alliance: to which Cluilius briskly answered, "It is you alone who violate the treaty; my part has been already performed; I have sent ambassadors to your king, but to no effect; and I therefore declare war against you."

The *fecialis* then asked him, whether that king, of the two, who first refused to hear the other's complaints, ought not to be deemed guilty of the first breach of the alliance; and, upon Cluilius's answering "Without doubt," the other invoked the gods to attest, that the Alban king was the first violator of it. After which he and the ambassadors instantly took their leave, and set out for Rome.

Livy,
b. 1,
c. 22.

They were no sooner returned thither, but Tullus sent for the Alban deputies, received them in an obliging manner, and then inquired into the design of their embassy. These civilly made long excuses for the disagreeable commission with which they were charged; protesting, that they had accepted it contrary to their inclinations, and were very sorry to find themselves under a necessity to demand satisfaction of him, and to declare war, in case of a refusal. To which Tullus replied, "Go, tell your king, that the king of Rome calls the gods to witness, which of the two nations did first refuse the other satisfaction, that upon that nation they may heap all the miseries of this war."

D. Hal.
b. 3,
p. 139.

The Roman *fecialis* had given Cluilius but thirty days to consider of the means to prevent hostilities. This time was employed on both sides, in making preparations for the war, and getting succours from their allies. At length, both armies took the field; Cluilius pitched his camp five miles from Rome, and fortified it with a good ditch (which continued long after, and was called *Fossa Cluilia*). King Tullus posted his Romans on an advantageous ground, within view of the enemy.

Year of
ROME
83.Tullus
Hosti-
lius,
thirdD. Hal.
b. 31.
p. 142,
et seq.P. 150,
et seq.

But now, whatever was the cause of it, the two armies were no sooner in sight of each other than their ardour for fighting cooled, and they both kept close within their intrenchments. This inaction made the Albans begin to murmur at their commander as the author of a fruitless war; so that, to free himself from their reproaches, he resolved at length to offer the enemy battle; but the next morning, he was found dead in his tent with all his guard about him, and without signs of violence.

Upon the death of Cluilius, the army saluted Metius Fuffetius dictator. He was a man of the same turbulent character, and in the same views with his predecessor; but, receiving advice that the Fidenates and Veientes intended to fall upon both armies when they should be weakened by a battle, he, instead of pursuing the war, desired a conference with the king of Rome, in order to a reconciliation. Tullus having received the same information, listened readily to the proposal. When the two commanders came to a parley, both of them expressed a willingness to have a union formed between the Albans and Romans. Tullus proposed, as the best means to make it durable and perfect, that all, or the chief of the Alban families should remove to Rome; or, in case they were unwilling to leave their native city, that one common senate should be established to govern both cities, of which the more worthy should have the dominion over the other. The Albans who attended Fuffetius, and whom he took aside to consult with them upon these expedients, would by no means consent that Alba should be deserted by its inhabitants: but they approved of the motion for a common senate, and giving one city the command over the other. The only difficulty now was to settle which city should have the preference. Fuffetius spoke in favour of Alba, making this his chief plea; that she was the mother-city, from which Rome was but a colony; and Tullus urged, in behalf of Rome, her superiority of strength and

Year of
ROME
83.

Tullus
Hosti-
lius,
third
king.

grandeur. In the close of his speech, he offered to terminate the dispute by a single combat between himself and Fuffetius. The Alban general not being brave, or perhaps not thinking himself a match for Tullus, brought several prudential reasons, to prove that it would be better to choose three champions out of each camp, whose swords should terminate the contest, than to hazard the lives of the generals. The proposal Tullus accepted; and the chiefs retired into their intrenchments.

§. III. As soon as the conditions of the union of Alba and Rome were known in the two armies, there was in both of them a strong emulation among the young warriors, for the honour of being chosen to this important combat. Fuffetius cast his eyes on three brothers, whom he imagined the gods themselves had pointed out to be the champions for Alba; believing also, that three brothers who were then in the Roman camp, were under the like destiny of being the champions for Rome. It was the extraordinary circumstances of their birth, which made Fuffetius entertain this notion. Sequinius, an illustrious Alban had two daughters; one he married to Curiatius, a citizen of Alba, the other to Horatius, a citizen of Rome; and these two women were brought to bed on the same day, each of three male children. The Horatian and Curiatian brothers were now in the flower of their age, and all six remarkable for their strength and dexterity in fighting. The Alban general having fixed his choice on the three Curiatii, and gained their consent, communicated his thought to the king of Rome, and exhorted him to pitch upon the three Horatii. Fate, said he, appears to have brought three champions on each side into the world, on purpose to decide by their swords the fortune of their countries. Tullus proposed the matter to the Horatian family, but would lay no injunction upon them. Old Horatius, the father of the three brothers, left them free to act as they would do if he were not living; and, when he u

stood that they, following the example of the Curiatii, preferred a glorious death, or important victory, to an inglorious life, he lifted up his eyes to heaven, and embracing them, cried out, "I am a happy father;" and then commanded them to declare his consent to the king.

Year of
ROME
83.

Tullus
Hosti-
lius,
third
king.

When the day appointed for the combat came, Tullus led the Horatii, and Fuffetius the Curiatii, into the plain between the camps; where the two kings, attended by their *feciales*, met in the middle of it, and, before the engagement, concluded a treaty in form.[†]

Livy,
b. 1.
c. 24.

And now the Alban and Roman champions advanced with a slow pace, each to meet his adversary. But in the instant, when the people expected to see them in a fierce encounter, they quitted their arms, and, with tears in their eyes, flew to embrace each other. The spectators, greatly moved at this sight, began to murmur at their kings, who had engaged such tender and generous friends in a cruel rivalry for glory. A new scene quickly put an end to their pity, captivated all their attention, and employed all their hopes and fears. The triple combat began; and fortune for a long time, held an even

D. Hal.
p. 146.

[†] The form of this treaty escaped the injuries of time, till Livy's days: he (b. 1. c. 24.) gives us the following account of it; and it served as a pattern, for the greater part, of the treaties which were afterward made by the Romans.

First, one of the college of the *feciales*, named Marcus Valerius, demanded of King Tullus, "Whether he gave him orders to conclude a peace with the *pater patratus* of the Albans?" The king answered, "He did." "Give me then," replied the herald, "some vervein" (the sign of his commission). "Yes," answered the king, "bring me some that is pure." At those words, the *feciales* went and gathered some vervein on a little hill, brought it, and went on thus: "Do you then appoint me to be *feciales* and plenipotentiary of Rome to the Albans, and engage to protect my equipage and retinue?" "Yes," replied the king, "as far as is consistent with my interest, and those of the Roman people:" and then Valerius the *fecialis* appointed Spurius Fesius to be *pater patratus* of the treaty, by crowning him with vervein. His office was to pronounce aloud the words of the oath in the name of the Roman king and people, and to repeat the whole form of the treaty.

After this ceremonial, which passed only among the Romans, the *pater patratus* read the articles of the convention in the presence of the Albans; and then expressed himself thus: "Hear, O Jupiter, hear, O *pater patratus* of the Alban people, hear, O Alban people: of these articles as I have just now read them out of these waxed tablets, without fraud or deceit, and as they have been from one end to the other clearly understood, the Roman people will never be the first violators. If they should violate them by public authority and by fraud, may Jupiter at that instant strike them, as I shall now strike this hog! May thy stroke, great Jupiter! be as much heavier as thy power is greater." At which words he killed the hog (that was to be offered in sacrifice, in confirmation of the treaty), by a blow on the head with a flint. The of the Albans took the like oaths, and also offered their sacrifices.

Year of
ROME
88.

Tullus
Hosti-
lius,
third
king.
D. Hal.
p. 155.
Livy,
c. 25.

balance. At length the eldest of the Horatii received a mortal wound, and fell; a second of the Roman champions, had the same fate, and expired upon the body of his brother. The Alban army hereupon gave a great shout, while consternation and despair spread themselves through the Roman camp. The Roman cause; however, was not yet desperate; for all the Alban champions were wounded, and the remaining Horatius unhurt and undaunted. Nevertheless, he did not think himself able to sustain the attack of the three brothers at once, and therefore made use of a stratagem to separate them: he pretended fear, and fled before them. The Curiatii pursued him, but at unequal distances, and as their strength would permit. Horatius turned short upon the nimblest, and slew him. He then flew to the next, and at one stroke cut off his arm; after which he ran him through the body. The third was in no condition to fight. Being desperately wounded, he could hardly support himself on his buckler. Horatius cried out, "To the glory of Rome I sacrifice thee," struck him on the throat, and big with victory, seized the spoils of the vanquished. Thus ended this famous combat, which gave Rome the superiority over her mother Alba. Fuffetius immediately saluting King Tullus as his master, asked him, what were his commands? "I command you nothing," said Tullus, "but to keep the Alban youth in readiness to march at my orders, in case I make war with the Veientes." He likewise endeavoured to comfort the Albans, who were grievously cast down, by assuring them, that he would change nothing in their laws or form of government.

Liv.
b. 1.
c. 26.

D. Hal.
b. 3.
p. 156.

P. 156,
157.

§. iv. BUT now, in the height of young Horatius's joy, when his glory seems to have dazzled his own eyes and to have made him forget that he was a man, he fell into a crime, that obscured the lustre of his exploit,

Dionysius says, that there remained only two of the Curiatii, and that one was killed in the beginning of the fight, after the first of the Horatii.

brought disgrace upon him, and even merited, in strictness of justice, a much severer punishment. As he was returning to the city in a sort of triumph, his temples encircled with a crown the king had put upon his head, and his shoulders loaded with the spoils of the three Curiatii, he, to his great surprise, beheld his sister, unaccompanied by her mother, and without any attendants, hurrying forward in the promiscuous crowd to meet him. However, in his own mind, he excused the uncommon indecency, by imputing it to an impatient desire of seeing and congratulating her victorious brother. But, alas! the zeal which had brought her from home was of another kind: one of the Alban champions had been her lover, and was to have been her husband. Upon the first report of his being slain, she had stolen from her mother, and was come, running like a distracted creature, to learn the certainty of his fate: and, when she saw the conqueror bearing in triumph her lover's military robe (a robe which she had wrought with her own hands), all stained with his blood, she tore her hair, beat her breast, and reviled her brother in the bitterest expressions. "Thou monster of wickedness (she cried), how couldst thou dip thy hands in the blood of thy relations, whom thou hast so often called thy brothers? How couldst thou murder the man thy sister should have married?" Horatius, still warm with slaughter, and enraged at these reproaches, and the untimely grief of his sister, "Go then to thy lover, with thy unseasonable passion, thou, who forgettest thy dead brothers, thy living brother, and thy country. Thus let every Roman perish, who laments the death of an enemy to Rome!" As he uttered these last words, he stabbed her with his sword; and, without longer stay, without sign of pity or remorse, went straight on to his father's house. The father approved of the cruel deed, and refused to let his daughter be buried in the sepulchre of his family.

Year of
ROME
83.

Tullus
Hosti-
lius,
third
king.
Liv. c.
26.

Year of
ROME
83.

Tullus
Hostil-
lius,
third
king.
D. Hal.
b. 3.
p. 159.

Livy,
b. 1.
c. 26.

Nevertheless when King Tullus returned to Rome, Horatius was arraigned before him upon an accusation of murder; and some of the most eminent of the citizens concerned themselves in the prosecution. They thought it of dangerous consequence to slacken the rigour of the laws in favour of any man, merely on account of his bravery or success in battle; and the law expressly forbade to kill any person whatsoever who had not been first condemned. This affair threw the king into some perplexity, being divided between his regard for the laws, especially in the case of murder, and the desire he had to save the young warrior, who had done him such important service. To avoid the odium he might bring upon himself by either acquitting or condemning the criminal, he, as Livy tells us, turned the affair into a state crime, and, having called the people together, named two commissioners or duumvir to try him as a traitor. This was conformable to the law, in cases of treason. The law ran thus: "Let two commissioners be appointed to try state crimes. If the criminal appeal from the sentence of these judges, let his appeal be received. If their sentence be confirmed, let him be hoodwinked, and hanged with a rope upon a cursed tree, having been first scourged either within or without the pomerium." The fact of which Horatius was accused being notorious, and not disowned by the prisoner, the duumviri without delay, pronounced sentence against him in these words: "Horatius, we judge you to be guilty of treason. Go, lictor, tie his hands." The executioner had already laid hold of him, when Horatius by the king's advice, appealed to an assembly of the people; and this shews that the authority of the people was superior to that of the king. Horatius appeared there with the same undaunted resolution that he had shewn in his combat with the champions of Alba; and his father pleading for him, and even justifying the fact, the assembly, through admiration of his

rather than for the justice of his cause, revoked the sentence that had been passed against him. However, that the crime might not go wholly unpunished, they condemned Horatius to pass under the yoke, an ignominy to which they usually subjected prisoners of war who had cowardly surrendered their arms. (The yoke was a kind of gallows, in form of a door-case.) The king likewise appointed expiations to pacify the anger of the gods; and the pontifices erected two altars, one to Juno, the protectress of women, and another to Janus (deemed perhaps one of the guardian genii of men), now styled Curiatian Janus, from the name of Horatius's cousins whom he had slain. An annual commemoration of the thing was likewise ordered to be observed, with sacrifices on those altars; which altars, with the yoke under which Horatius passed, were still remaining in the time of Augustus. All the honour done to Horatius for his victory was erecting a square column in the middle of the forum, and hanging thereon the spoils of the Curiatii.

§. v. TULLUS did not forget the treacherous designs of the Fidenates, during his war with the Albans, and he at length resolved to take his revenge. But, to proceed regularly, he first cited them to appear before the senate of Rome, and answer for their conduct. They, being conscious of guilt, and in secret intelligence with Fuffetius, who hoped to free himself from the Roman power, refused to obey, and, in conjunction with the Veientes, took the field. Fuffetius, in obedience to Tullus's orders, joined him with the Alban troops; but the day before the battle, he imparted to his chief officers his secret intention, which they approved. It was to stand neuter till fortune had decided the day, and then to fall upon that side which should be routed. Accordingly, just before the action began, he retired with his men to a hill. Tullus had notice of his desertion; and, in this distress, privately made a vow to add twelve priests to the college of the salii, and to build a

Year of
ROME.

Tullus
Hosti-
lius,
third
king.
D. Hal.
p. 159,
160.

B. 2.
p. 160.
et seq.

Livy,
b. 1.
c. 27, 29.

Year of
ROME.

Tullus
Hos-
tilius,
third
king.

D. Hal.
p. 107.

P. 172.

Livy,
c. 30.

D. Hal.
b. 3.
p. 172.

temple to Fear and Poleness. Then telling his men, in the hearing of the enemy, that the motion Fuffetius had made was by his order, he confidently attacked the Fidenates, who being disheartened by the apprehension of treachery in the Albans, were easily routed; and then Fuffetius poured down from his hill upon the runaways. Tullus concealed his knowledge of Fuffetius's treachery, went privately in the night to Rome, consulted the senate, and returned to the camp before break of day. Instantly he detached Horatius with a chosen band of horse and foot to go and demolish Alba; and while these orders were executing, he commanded both the Roman and Alban troops to attend him unarmed, but with private instructions to the Romans to bring their swords under their clothes. When they were all assembled, he made a speech to them, in which he laid open the perfidiousness of Fuffetius; and, in the conclusion, ordered him to be fastened to two chariots, and torn asunder, by driving the horses contrary ways. His chief accomplices were also put to the sword; but the king transplanted the rest of the Alban soldiers and citizens to Rome, and even admitted the principal of them into the Roman senate. Of these the historians particularly mention six families; the Julii, Quintii, Servilii, Geganii, Curiatii, and Clælii: others were promoted to the dignity of knights, and all without exception enjoyed the privileges of Roman citizens.

This new increase of inhabitants obliged Tullus to enlarge the limits of the city; he took in Mount Cælius and allotted it for the Albans to settle upon (without excluding them from other parts of the city), and built his own palace there.

§. VI. THE Fidenates persevered in their revolt, and Tullus spent the winter in making preparations to attack them early in the spring. He then took the field, attacked them under the walls of Fidenæ, and obliged them to retire into the city; where, by cutting off

succours and provisions from it, he reduced them to such extremities, that they surrendered at discretion. He punished the heads of the revolt, but suffered the rest to continue in their city, under their own form of government, only in dependance upon Rome. This complete victory procured him the honours of a triumph, in which the spoils of the enemy were carried as trophies.

Year of
ROME.

Tullius
Hosti-
lius,
third
king.

And now the Romans, flushed with success, and strengthened by their union with the Albans, demanded satisfaction of the Sabines, for the insults which some Roman citizens had formerly suffered from them at the temple of the goddess Feronia (i. e. Flora or Proserpina), which stood at the foot of Mount Soracte, upon the banks of the Tiber, and was frequented by both Sabines and Romans.* The Sabines, not being able to get succours, kept themselves for some time on the defensive only. At length they came to so bloody a battle with the Romans, that both armies, terrified with the numbers of their slain, retired into their own countries, and attempted nothing more that campaign. The next year the war was renewed with greater fury. The two armies met near Eretum, a town about thirteen miles from Rome, and the battle continued long in suspense; till Tullus, by making a vow to Saturn and Ops,† to institute a festival to their honour, so raised the courage of his men, that he obtained a complete victory.

P. 173.

* These festivals of Saturn, and Ops, or Rhea, were kept at Rome, in the month of December, under the name of Saturnalia, and Opalia. They, properly speaking, were but one and the same solemnity, continued for several days together. The festival appropriated to Saturn was fixed to the 16th of the calends of January; and that of Ops, which was likewise a part of the Saturnalia, to the 14th. D. Hal. attributes the origin of them to Tullus Hostilius's vow. Because all the fruits of the earth were gathered in in December, the Romans, therefore, fixed the festival of these deities in that month, one of which represented the heavens and the other the earth, to whose united influences and power all fruits owe their production. These festivals were celebrated with mutual entertainments; the slaves themselves ate at their master's tables; which was not only to reward them for their labours in cultivating the earth, and gathering the fruits of it, but likewise to renew the remembrance of the golden age, in which all men were equal. Servants had at this time a right of being served by their masters, wearing their clothes, and reproving them for their faults. In this sense we are to understand Horace's applying himself to his servant;

Age, libertate Decembri

(Quando ita majores voluerunt) utere: naris. Sat. 7. b. 2. C. & R.

Year of
ROME

Tullus
Hosti-
lius,
third
king.

P. 174.

The Sabines submitted, and the senate prescribed the conditions of a treaty with them: which, when concluded, was written on pillars erected in holy places, that those pillars might be lasting monuments of the superiority of Rome.

P. 175.

So much success carried the Romans to make new pretensions. They summoned all the Latin towns, which had been dependant on Alba, to submit to the Roman laws. Upon this an assembly of the Latin nation was held at Ferentinum, where it was resolved not to bow under the yoke of Rome; and two generals were chosen to command their forces. The Romans did not make war upon them in a regular way, but after the old manner of inroads and incursions, destroying their harvest. Medulia, which had submitted to Romulus, and since revolted, was the only town taken by King Tullus in this war.

P. 174,
175.

The Sabines, some years after, thinking themselves in a condition to take revenge upon Rome, invaded the Roman territory, and in small parties spread themselves all over it to pillage; and the little opposition they met with encouraged them to think of besieging Rome. But Tullus marched against them, and once more entirely defeated them near the Malefactor's Forest.

Plut.
Numa,
p. 75.

§. VII. IT is related, that King Tullus, when grown old, fell into superstition and credulity, and was much imposed upon by stories of prodigies, and voices from heaven, upon which occasion he ordered expiatory sacrifices for nine days, the time usually employed afterward in expiations, when the people were terrified with prodigies. He is said also by some to have studied magic, and to have hid himself in a private place to perform a magical sacrifice, in order to raise Jupiter Elicius; but

Liv.
b. 1.
c. 31.

* The Ferentinum here spoken of, was in Latium near Monte Albano, in the same place where Marino now stands. C. & R.

* The art of raising some demon, under the name of Jupiter Elicius, was pretended to in Italy, from the times of the old kings of the Aborigines. We are told, that Numa and Picius practised it in their time; and that, by their enchantments, they forced their pretended divinity to appear to them by the side of a spring in E

that, omitting some part of the necessary ceremonies, the god in a rage set his palace on fire by lightning, so that the king, his wife, and children, all perished in the flames. But others are of opinion, that Tullus died by the hands of Ancus Martius, his successor; who, when the king and his whole family were met to perform a domestic sacrifice, first slew them, and then set fire to the palace to conceal his crime.

Year of
ROME
113, 114.
Tullus
Hosti-
lius,
third
king.
P. 176.

Tullus had been more inclined to fighting than to legislation. No law is mentioned to have been made by him but this: that whenever three male children should be born at a birth, they should, in memory of the Horatii, be brought up at the public expense. Generosity and personal courage were his chief merit. As for his rekindling in the Romans that love of war, and ambition of conquest, which his predecessor Numa had, during his long reign, so industriously extinguished, it conduced, indeed, much to the aggrandizing the Roman state, and getting it a name, but not much to the real happiness of its people.

CHAP. V.

ANCUS MARTIUS.

§. 1. Ancus Martius, the grandson of Numa, is chosen to succeed Tullus Hostilius. 114.

He declares war against the Latins in all the forms prescribed by Numa. He vanquishes the enemy in several battles, and takes many of their towns. II. He strengthens Rome by new fortifications, and builds Ostia at the mouth of the Tiber. He defeats the Fidenates, Sabines, Veientes, and Volsci. III. He dies, leaving two sons under the tuition of Lucius Tarquinius, a foreigner from Etruria, who had settled at Rome. 139.

Ostia
built.

§. I. THE deceased king being looked upon as a man struck by the gods, no honours were done to his ashes. After a short interregnum, the people and senate unanimously chose Ancus Martius (son of Pompilia, the daughter of Numa) to succeed Tullus.* The new king

Ancus
Martius,
fourth
king.
D. Hal.
p. 160.

and were by him enabled to raise a storm of thunder and lightning when they pleased.

Arnob. b. 5. G. & R.

Every Roman had ordinarily three, and sometimes four names. The first was

Year of
ROME.

Ancus
Martius,
fourth
king.

D. Hal.
b. s. p.
177, 178.

began his reign, by endeavouring to restore Rome to the condition in which Numa had left it; to revive husbandry, and the neglected worship of the gods. He was ambitious of imitating his grandfather: but he soon found, that his devoting himself wholly to works of peace, drew upon him the contempt of the neighbouring nations.

The Latins pretending that their treaty with the Romans was no longer binding than while King Tullus lived, had committed hostilities in the territory of Rome. Ancus determined to revenge it; nevertheless, out of respect to the laws of Numa, he previously observed all the forms appointed by him to be used in declaring war.^y

called prænomen, the second nomen, the third cognomen, and the fourth agnomen. The nomen shewed the family from which he was descended; the prænomen and cognomen were often nick-names, taken from the circumstances of the person's birth, or his defects, or his bodily qualities. And the last names were, to some, titles of honour, as those of Africanus, Germanicus, &c. Valerius assures us, that Ancus Martius had his name of Ancus from the Greek word ἀγκυρα, because he had a crooked arm. C. & R.

^y These forms were as follow. A fecialis was deputed to go to the Latins: he no sooner arrived on the borders of that people, but he cried out, "Hear, great Jupiter, hear, ye confines of the Latin nation, let justice hear. I am a public messenger from the Roman people, I come justly and religiously commissioned; let credit therefore be given to what I say." After which he laid open his demands; and then, having called Jupiter to witness, he added these words: "If I have unjustly and impiously made these demands [which were of persons or goods to be delivered up to him], mayest thou never suffer me to return to my own country." He repeated these words at his entering the Latin territory, then to the first person he met, then at the gate of the city, then in the market-place. If in about thirty days his demands were not satisfied, he said, "O Jupiter, Juno, then Romulus, and all ye gods of heaven, of earth, and of hell; hearken! I call you all to witness, that the Latins are unjust. We will therefore enter into the deliberations at Rome, on the proper means of obliging them to give us just satisfaction."

No sooner was the fecialis returned, but the king referred the affair to the senate, which he did in the form prescribed by Numa, addressing himself to every particular senator, in these very words: "Say, what think you of the refusal which the pater patratus, and whole nation of the Latins, have given the pater patratus of the Romans, of restoring and granting us what we demanded of them?" To which every senator gave this answer: "Let us again demand our rights by just and lawful war: this is the opinion for which I declare myself." And when the greater part of the senators had declared their opinions in this manner, the war was considered as unanimously concluded on. Then the fecialis went to the confines of the enemy's country, carrying in his hand a javelin, which was either headed with iron, or burnt at the end, and dipped in blood. When he came to the territory of the Latins, he pronounced the following prescribed form of words, in the presence of at least three persons, not under fourteen years of age: "On account of the damages which the ancient Latins have done the Roman people, and in obedience to a decree made by the senate and people of Rome, importing, that war be declared against the ancient Latins; I and the Roman people declare it and begin it." At which words he threw a dart upon the enemy's lands. (Liv. b. 1. c. 32.) All this ceremonial had been instituted by Numa; though that prince having never engaged in any war, had never put it in practice: and Tullus, who was of an active spirit, had not confined himself to these tedious formalities. But Ancus Martius established the use of them; and from his time they were always practised. And it ought here to be observed, that at this time, no use was made of the king's name or authority in treaties: only senate and the people are mentioned.

He then raised an entirely new army, marched to Politorium, a Latin city, and surprised it. He shed no blood, nor destroyed the city, but transplanted the inhabitants to Rome; and these, with the inhabitants of Tellena and Ficana, two other cities of Latium, which he likewise took, he settled on the hill Aventinus, which he enclosed, and made a part of Rome, but without consecrating the boundaries.

Year of
R O M E.

Ancus
Martius,
fourth
king.

D. Hal.
p. 182.
p. 179.

The next year the Latins repeopled Politorium, which obliged Ancus to besiege it again; and upon the second reduction of it, he demolished it entirely. After this, he led his troops four years successively to the siege of Medulia, which he at length took and plundered. Ficana, which he had neglected to demolish, he reduced a second time, and now destroyed it. The Latins, not discouraged, appeared in the field, but being defeated in one pitched battle, they durst not venture another. They divided their troops into small parties, and contented themselves with making incursions into the Roman territory; and Ancus, to oppose them, made a like division of his army, which he left to the conduct of Tarquinius (a foreigner lately come from Hetruria), and full of glory returned to his capital.

§. II. ROME was exceedingly enlarged in this prince's time, for, not content with carrying its walls round the Aventine-hill, he likewise encompassed the hill Janiculum (which stood on the other side of the Tiber) with a wall, and made it a sort of citadel for Rome; and in order to have a communication between the city and the new citadel, he built the bridge, called Sublicius (the first perhaps known in Italy) over the Tiber, in that place where it washes the foot of the hill Aventinus. To suppress the licentiousness of the people, he next built a prison in the Roman forum. And lastly, observing that Rome lay open to surprises from an enemy in those places where the country about it was low and flat, he caused a wide ditch to be dug there, which was

P. 183.

Liv. b.
1. c. 33.

Year of
ROME.

Ancus
Martius,
fourth
king.

D. Hal.
b. 3. p.
180.

ever after called Fossa Quiritium, because all the people were employed to make it.

When Ancus had finished these works of peace, the first enemies that felt the return of his martial disposition were the Fidenates, who being rebels, he did not send a fecialis to them, but marched straight to Fidenæ, which he besieged and took by sap; this being the first instance we meet with in Roman story of that kind of attack.

He next marched against the Sabines, who, since the death of King Tullus, believing themselves discharged from the engagement they had entered into with Rome, had renewed hostilities. He quickly forced them to sue for peace, and they obtained it on easy terms.

P. 183.
Livy,
b. 1.
c. 33.

Plin.
l. 31.
c. 7.

The four following years Ancus employed in enlarging the temple of Jupiter Feretrius, in building the port and city of Ostia, and in digging salt-pits on the sea-shore. The distribution of salt, which he made among his subjects at this time, gave rise to those public liberalities called congiaria, from the word congius, a measure in use among the ancient Romans, containing about a gallon.

D. Hal.
p. 181.

After this he twice defeated the Veientes, and was decreed a triumph by the senate; and, to reward the merit of Tarquinius, who had distinguished himself at the head of the Roman cavalry, the king promoted him to the rank of a patrician and senator. The Volsci were next attacked, and Velitræ, their capital, besieged by Ancus; but the inhabitants, being reduced to extremity, and sending out their old men as suppliants obtained first a truce, and afterward a peace. The king of Rome then turned his arms against those of the Sabines, who had not yet been conquered. Success attended his expedition, and he returned triumphant to Rome, where he passed some time in tranquillity.

P. 182.

§. III. Ancus, after a reign of twenty-three or twenty-four years (in which, according to Livy, he shewed him

self not inferior to any of his predecessors, either in civil or military government), is said by Plutarch to have died by violence; but other writers speak of his death as altogether natural. He left two sons, one an infant, the other near fifteen years of age, and both under the guardianship of Tarquinius, an able politician, who had found the secret to make himself equally the favourite of his master and of the people.

Year of
ROME.

Ancus
Martius,
fourth
king.
Plut. in
Num.
p. 75.

CHAP. VI.

TARQUINIUS PRISCUS.

SECT. I. The politic management of Tarquinius to obtain the kingdom. He is elected king, and adds to the senate 100 new senators chosen out of the plebeians. II. The 100 plebeians renew the war against the Romans. Tarquin, by repeated victories over them, reduces them to sue for peace. At his return to Rome, he builds a circus for the Roman games. III. He totally subdues the twelve Lucumonies of Hetruria. IV. He applies himself to cleanse and beautify Rome. V. He renews the war with the Sabines. He increases the number of the Roman knights. The adventure of Navius the augur. VI. Tarquin subdues the Sabines. VII. He marks out the area of a temple to Jupiter, Juno, and Minerva, on the hill Tarpeius, afterward called the Capitol. VIII. The sons of Ancus conspire the death of Tarquin. He is assassinated in his own palace. The stratagem of queen Tanaquil to secure the kingdom to her son-in-law, who takes possession of it, without being legally elected to the throne.

brought
into the
senate.

Navius,
augur.
174.

§. I. TARQUINIUS was the son of Damaratus, a merchant of Corinth, who, to secure his great wealth from Cypselus, the tyrant of that place, had retired with it to Tarquinii, one of the most considerable cities of Hetruria. The Greek merchant married there a woman of distinction, by whom he had two sons, Arunx and Lucumo. The elder died before his father; and though he left his wife with child, yet his father not knowing it, and dying soon after him, left all his wealth to Lucumo; so that the posthumous son of Arunx, disinherited before he was born, took the melancholy name of Egerius, from *egere*, to want. Lucumo, now in possession of all his father's immense riches, aspired to the highest dignities in Tarquinii; and his wife Tanaquil, an Hetrurian, was no less ambitious than he of his ad-

Year of
ROME
139.

Tarquin
I. fifth
king.
D. Hal.
b. 3.
p. 184.
Livy,
b. 1.
c. 34.
D. Hal.
p. 187.

Year of
ROME
139.

Tarquin
I. fifth
king.
P. 135.

vancement: but he being looked upon as a stranger, this hindered him from rising to any considerable post.

At the instigation of his wife therefore he resolved to remove, with all his effects, to Rome, where merit never failed of being rewarded with honours. No sooner was he admitted a citizen there, but he endeavoured to appear entirely Roman. He changed his names of Lucumo Damaratus, for those of Lucius Tarquinius; artfully insinuated himself into the king's favour; became popular by his liberalities and polite address; and, lest his great wealth should create suspicions of him, offered to deposit it in the public treasury, to supply the wants of the city. Besides all this, he distinguished himself by his military exploits (the surest steps to greatness), and appeared to be no less able in council, than formidable in arms.

P. 136.

Livy,
b. 1.
c. 35.

Tarquin, as soon as the throne was vacant, turned his thoughts to bring on the election of a new king with the utmost expedition, before the elder of the late king's sons should be full fifteen; and, to keep him out of the sight of the people during the comitia, he sent him hunting in the country. This aspiring Greek was the first who introduced into Rome the custom of soliciting for offices, and openly making interest to obtain them. Nay, he did not scruple to extol his own merit in a public harangue, and to propose himself to the people for a successor to Ancus. As he had already gained them by money and caresses, he was chosen by a majority of votes; and the Roman people commanded him (for that was the term then used) to sit down at the helm of affairs. And then to strengthen his party in the senate, he created 100 new senators, who were called *senatores minorum gentium*, because chosen out of plebeian families. But this name was never authorized by any public act. They had the same authority in the senate as the other senators, and their children were deemed patricians.

§. II. ALMOST all the nations subdued by the Romans, pretending that their treaties with them were no longer binding than during the lives of those princes by whom they had been subdued, Tarquin had inevitable wars to sustain. The Latins were the first who attacked him, but not the whole nation of them jointly. Tarquin besieged Apiolæ, took it by stratagem, and sold the inhabitants for slaves. The Crustumini, who had revolted, repented and submitted; the king treated them mildly, but settled a Roman colony among them. Nomentum likewise experienced the clemency of Tarquin upon its submission. Collatia being more obstinate, the king, after its reduction, disarmed and taxed the inhabitants, and placed a garrison there to keep it in subjection. He gave the sovereignty of this city to Egerius, his brother Arunx's son, who from thence took the name of Collatinus, which he transmitted to his posterity. Corniculum was besieged next, and after a brave resistance, was carried by assault, and reduced to ashes.

Year of
ROME
39.

Tarquin
I. fifth
king.

D. Hal.
b. 3.
p. 176.

P. 187.

P. 188.

The fate of these cities induced several others to unite their forces to oppose the king's progress: but he defeated these forces in a bloody battle near Fidenæ; and then, taking advantage of the terror his victories occasioned, solicited those cities to enter into alliance with him; to which some of them consented, choosing rather to submit to a sort of dependance upon Rome, than to run the hazard of being reduced to a state of slavery. This submission so alarmed the rest of Latium, that, in a national assembly held at Ferentinum, they came to a resolution to employ their whole strength to oppose the torrent that threatened them: and they engaged all Sabinia, and a part of Hetruria, to join with them. In two actions the king vanquished these confederate armies; and then those Latin cities which had refused his alliance, sued for it and obtained it.

P. 189.

P. 190.

Tarquin, at his return to Rome after so many victories, had the honour of a triumph, and he applied the

P. 191.

Year of
ROM E.

Tarquin
I. fifth
king.

Strabo,
Pliny,
Mela.

wealth he had brought from the conquered cities to the building a circus for the Roman games,² otherwise called the great games. The place chosen for this circus was in the valley, which reached from the Aventine to the Palatine-hill.

§. III. THE long war which this king waged with the Etrurians, and the signal victories he gained over them, greatly advanced his glory, and both enabled him and inclined him to introduce magnificence into his court. Etruria was a very large country, extending itself from the Tyrrhenian-sea to the Apennine-hills, and from Liguria to the Tiber. The Latins called the inhabitants of it sometimes Tuscans, and sometimes Etrurians; but the Greeks more frequently, Tyrrhenians; who, possessing so much of the south coast of Italy, gave their name to the sea which washes it. This great state was divided into twelve cantons called *lucumonies*,³ which

² Tarquin was of a Greek family; and this led him to think of building a circus at Rome, in imitation of the chief cities of Greece. The first circus which was ever built, and was a pattern to all the rest, was in Elis, where the Olympic games were celebrated.

It is certain the Roman games were also called the great games: Livy (b. 1. c. 35.) assures us of it. Nevertheless, we must not from thence conclude, that all the sports which were celebrated in the circus, and which were called *circenses*, were the great games. Some were celebrated in the circus to Ceres, Apollo, &c. which were different from the great or Roman games: nor were those called *megalesnes*, the same with the great games. The former were celebrated before the nones of April, and the latter on the eve of the nones of September. Besides, the Roman games were instituted in honour of the great gods, whence they were called the great games; and the *megalesnes* only in honour of Cybele. Lastly, the great games were instituted by the elder Tarquin; and the *megalesnes* not till Junius Brutus's time, who appointed them to the honour of Cybele, then called *Μεγαλίσια*, or the Great Goddess.

At one end of the circus stood the posts round which the chariots were obliged to turn; at the opposite end the chariots started, and on each side of the circus the spectators sat in two great galleries. It is certain, that the end where the turning-posts stood, described a portion of a circle: and it is probable the opposite end, where the chariots started, was semicircular: but this is not absolutely certain.

Dion. Hal. plainly tells us, that this circus was three stadia and a half long, and four jugera broad; and that 150,000 men could sit in it at their ease; but Pliny makes it only three stadia long. He probably omitted the half stadium, mentioned by the Greek historian, for the sake of a round number. Nothing therefore remains, but to compute how long and wide the circus was, according to our measure. Now Pliny tells us, (b. 1. c. 3.) the length both of the Roman stadium and jugerum. The former, according to him, contained 625 Roman feet, each of which feet contained twelve inches, or sixteen fingers'-breadths: so that consequently the circus, as it was three stadia and a half, must have been 2,187 Roman feet long. And it being four jugera broad, each of which jugera contained, according to him, 240 Roman feet; it is from thence easy to infer, that the circus was 960 Roman feet broad, and consequently was above twice as long as it was wide. So that the length of the circus was somewhat more than three English furlongs, very near half an Italian mile, or about a quarter of a French league. C. & R.

³ The names of the capital cities of the twelve *lucumonies* were, according

were subject to twelve heads, who governed them with a sort of sovereign authority, under the name of lucumones. Sometimes one lucumony made war by itself: at other times the Hettrurians all joined in a national body, in defence of their common interests.

Year of
R O M E.

Tarquin
I. fifth
king.

Tarquin having gained some advantages over certain of the Hettrurian lucumones, this awakened the jealousy of the whole nation. Besides, they had reason to complain of a want of justice in the king of Rome, who had not only refused audience to the ambassadors they had sent to him with a reasonable demand, but had detained them as so many hostages for the obedience of the Hettrurians. The twelve lucumones, therefore, came to a resolution to make war upon the Romans, and it was decreed, that if any city of Hettruria stood neuter, it should be for ever cut off from the general alliance. They took the field, made themselves masters of Fidenæ, by the treachery of some of the inhabitants, and ravaged the Roman territory. Tarquin, not being prepared, suffered them to go on without opposition till the next year, when he had put himself into a better condition to engage with them. He then divided his army into two bodies; the Romans he commanded himself, and gave the command of the allies to his cousin Collatinus. The latter, by his ill-conduct, suffered a defeat: but the king routed the Hettrurians, first near Veii, and then under the walls of Cære.

D. Hal.
b. 1. p.
192, 193.

Fidenæ being a key to the dominions of Rome, the conquest of it was of the utmost importance to her. The Romans therefore bent their forces that way, and after defeating the enemy in a sharp engagement, besieged the place, and took it. All those of the Fidenates who had been concerned in betraying it to the enemy, were first whipped and then beheaded; the rest were

P. 194.

verius and Holstius, Clusium, Perusia, Cortona, Arretium, Volaterra, Vetulonium, Rusellæ, Tarquinii, Volsinii, Cære, Falerii, and Veii. Hettruria was long the mother of all the learning and politeness of the Romans: they sent their children thither to cultivate their minds, till the conquest of Greece furnished them with a better school.

C. & R.

Year of
R O M E.

Tarquin
I. fifth
king.

sent into banishment, and their lands distributed by lot among the Roman soldiers. Then Tarquin hastened to attack the Heturians once more, before the whole strength of the new army they were raising could be got together. He came up with them near Eretum, a small city of the Sabines, and gave them an entire overthrow ;
P. 195. for which the senate decreed him a triumph. And now the lucumonies, despairing of any future success against the Romans, sent an humble deputation to ask peace ; which Tarquin granted, without insisting on any other condition, than their owning his sovereignty over them. To this they readily agreed, and sent him all the ensigns of authority they had among them : a crown of gold ; a throne of ivory ; a sceptre with an eagle on the top of it ; a tunic embroidered with gold, and adorned with the figures of palm branches ;^b and a purple robe enriched
P. 196. with flowers of various colours. But the king deferred the making use of these stately ornaments, till the people and senate had consented to it by an express decree : he then employed them in the decoration of his triumph, and never after laid them aside. In this triumph he rode in a gilt chariot drawn by four horses.

D. Hal.
b. 3. p.
200, 201.

§. IV. HAVING now an interval of rest from his wars,

^b This the Latins called tunica palmata. It is true, authors sometimes confound it with what they call toga picta : but these were two different ornaments, worn by those who triumphed : and it is necessary to shew here the difference between them. The tunica palmata was not, properly speaking, a long hanging robe, but rather a vest, which was partly hid under the robe. It at first had no sleeves, and afterward but very short ones. As all the Romans wore tunics, they shewed the difference of their rank by that of their tunics. Some sewed upon theirs purple flowers, which were stuck on like the heads of nails ; and hence comes the word laticlavium. Only the chief magistrates and senators, and general officers of the army, could wear these. The inferior magistrates, the Roman knights, and some other officers in the army, wore, indeed, tunics with purple flowers ; but these flowers were smaller than the others : and from hence comes the name angusticlavium. As for those who triumphed, of whom we are now speaking, they, instead of embroidered flowers, wore purple palm branches upon their tunics, thence called tunice palmatæ. The toga picta, some think, was a robe common among the Romans, only of a purple colour : and as to the robe in general, it was nothing but a sort of very long mantle, which hung in great folds quite down to the ground, and which they put on upon their right shoulders, throwing one lappet of it over the left. The robes of the senators were adorned with great purple flowers, as well as the tunics ; and those of the knights with smaller. And the robes of those who triumphed were likewise probably adorned with palm branches, as their tunics were. At least, it is certain they were made of rich stuffs, and had some gold in them ; and they were called togæ pictæ. Only two persons ever had the privilege of wearing them out of a triumph, and in common, Paulus Æmilius and Pompey. C. & R.

he turned his thoughts to the fortifying, cleansing, and beautifying, the city. He undertook to build the walls of Rome of hewn stone, and drained the low grounds about the forum, and between the hills, in order to the making those common-sewers,^c which, when made by the second Tarquin, were among the wonders of the world. He likewise adorned the forum, surrounded it with galleries, made shops^{*} in it for bankers and money-changers, erected temples, schools for the youth of both sexes, and halls for the administration of public justice.

Year of
R O M E.

Tarquin
I. fifth
king.
P. 200,
201.

§. V. TARQUIN, after some time spent in these works of peace, entered into a new war with the Sabines, on pretence of their having assisted the Heturians; and he came to a battle with them, which lasted the whole day. The advantage was so equal on both sides, that the two armies stood in awe of each other, and retired into their respective countries, without committing any farther hostilities the rest of the campaign. During this cessation of arms, Tarquin, considering that he had often been hindered from sufficiently pursuing the advantages of a victory, for want of horse, resolved to add some new bodies of knights to those of the first institution: but as the first division of the horse into three corps had been determined by auguries, Attius Navius, the most famous augur of that time, opposed the king's design as irreligious. Tarquin could not persuade himself that the augur was serious in this opposition, and therefore sent for the diviner in his presence, being resolved to confound and discredit in him that divining art, which superstition maintained to the diminution of the royal authority.

^c All the arches of these common-sewers were of hard stone, and neither expense nor labour was spared to make the work durable. Their height and breadth were so considerable, that a cart loaded with hay could easily pass through them. But the greatest difficulty of the work was to convey the waters (which through these sewers were to carry off the filth) into the Tiber. It was necessary to cut through hills, and under the city, through rocks, a channel large enough for a navigable stream, and covered with arches strong enough to bear the weight of houses, which were often built upon them, and stood as firm as on the most solid foundations. The expense of this incomparable work was never so well understood as when it came to be repaired. The censors gave no less than 1,000 talents to him who undertook to cleanse these sewers. C. & R.

Year of
R O M E.

Tarquin
I. fifth
king.
Livy, b.
1. c. 36.
D. Hal.
b. 3. p.
203. and
Florida.

As soon as Navius appeared before Tarquin, in the midst of the forum, and in the sight of all the people, the king said to him, "Diviner, canst thou discover by thy art, whether what I am thinking of can be done or not? Go and consult thy birds." The augur did as he was ordered, and returning quickly answered, "Yes, Tarquin, my art tells me, that what you are thinking of may be done." Upon which Tarquin, pulling out a razor from under his robe, and taking a flint in his hand, replied with a contemptuous smile, "I was thinking whether it were possible to cut this flint with this razor. I have taken thee in thy own craft: the introducing the gods into thy decisions is all cheat and imposture. If thou canst perform what is impossible, do." At these words the people burst out into laughter, whilst Navius alone discovered no emotion. He addressed himself to the king with an air of assurance, and said, "Put the razor to the flint and try: I readily submit to any punishment, if what you thought of be not done."^d Upon trial, the razor passed through the flint so easily and so suddenly, that, Tarquin having given more force to it than was necessary, it wounded and drew blood from his hand. The people hereupon gave a great shout, the king's contempt for the augur turned into admiration, and, from this time, the augural science had a higher degree of credit in Rome than ever before. (Tarquin afterward erected a statue of brass to the memory of Navius, in the place called Comitium, where the public assemblies were held; and there it continued till the time of Augustus. The razor and flint, kept as monuments of the miracle, were deposited near the statue,* under an altar, at which they swore witnesses in civil causes.)

D. Hal.
p. 204.

^d Livy says, Navius took the flint into his own hands, and cut it, in Tarquin's presence.

* The reader will no doubt think it strange that an event related with so many circumstances, reported by all the writers of the Roman history, and adopted even by some of the fathers of the church, who, without questioning it, imputed it to magic, should be a mere fabulous invention: and yet this is the judgment which Tully himself formed of it, though an augur. "Look with contempt (says he to his brother Quintus), look with contempt on the razor and flint of the famous

But though Tarquin laid aside his project of increasing the number of the corps of horse, he increased the number of knights in each corps; making the Roman cavalry amount in all to 1800 men.

Year of
R. O. M. E.

Tarquin
I. fifth
king.

§. VI. WITH this reinforcement the king marched out to renew the war with the Sabines, who had got succours from Hetruria, and were encamped near Fidenæ, by the place where the Anio joins the Tiber. The Hetrurians, posted on one bank of the Tiber, and the Sabines on the other, had a communication by a bridge of boats. Tarquin, who had pitched his camp upon the Anio, at a little distance from the place where it discharges itself into the Tiber, perceived, that the current of that little river would carry into the Tiber any thing which was sent down it; and that if the same wind which then blew continued, it would with a little help carry barks up the Tiber against the stream, and bring them to the enemy's bridge. With this view he built flat-bottom boats, like rafts, and loaded them with dry wood, sulphur, and rosin; and in the night, while the wind continued favourable to his design, he sent these fire-ships some down the Anio, and others up the Tiber, at the same time; so that the bridge, being thus invested on both sides with fire, was quickly all in a flame. The Sabines ran instantly to extinguish it; and, as is very frequent on such unforeseen and sudden accidents, left their camp unguarded. Tarquin, who to attack it had, with the best part of his forces, marched out of his intrenchments while it was yet dark, was by break of day master of it. On the other bank, a detachment, which by his order had passed the Tiber in the night, fell suddenly upon the camp of the Hetrurians, in the instant that the bridge of boats took fire, which was the signal the king had given. The enemy, disconcerted and routed on both sides of the river, perished, some of them by the flames, others by the sword, and others by

P. 191,
192.

Livy,
c. 37.

Attius; when we reason as philosophers, we ought to lay no stress upon fables." Cic. b. 1. de Div. C. & R.

Year of
ROME.

Tarquin
I. fifth
king.

leaping into the Tiber, to save themselves ; and their arms, which floated down the stream, carried the news of the victory to Rome before the couriers, dispatched by the king, arrived there.

After this Tarquin would give his enemies no rest, but immediately entered the territory of the Sabines, whose misfortunes had not yet abated their courage. They ventured to face the Romans, with an army tumultuously assembled. Being once more routed, they sued for peace, but the king did not think fit to grant them more than a truce.

This truce was no sooner expired, than the Sabines passed the Anio, and made incursions on the territory of Rome ; but though they were equal in numbers and bravery to the Romans, Tarquin, in a pitched battle, defeated them by the stratagem of detaching a body of horse, which fetched a compass and came upon their rear during the action. The Sabines imputing their ill success to the incapacity of their general, chose a more experienced commander for the next campaign. The king of Rome appeared early in the field, and shewed himself to the enemy : and when he found that their new general, not having got together all his troops, avoided a battle, and kept within his camp, he blockaded him there, and reduced him to the utmost extremity for want of provisions : however, the latter, taking the advantage of a dark stormy night, marched his army secretly out of his intrenchments, and stole off ; and thus the campaign ended.

The next year, the Sabines, pleased with the conduct of their general, took courage again, enlisted all their youth capable of bearing arms, and formed a numerous army, which they divided into two bodies. Tarquin on the other side augmented his forces with troops from Latium, Hetruria, and all his allies, and divided them into three armies, which were always to encamp near each other. He commanded the Romans himself, put

his nephew Collatinus at the head of the Hettrurians, and gave the command of the Latins and other allies to Servius Tullius, a foreigner, who had been a slave, and had since obtained the privileges of a Roman citizen. The battle lasted the whole day; and Tarquin obtained the victory; but not till he had inspired his men with fresh courage, by making a vow to Jupiter, Juno, and Minerva, to build them a magnificent temple. While he was marching afterward to besiege the Sabine cities, they sent deputies to him to sue for peace, offering to give him possession of their fortified places, and of all their country, if he would grant them tolerable conditions. He treated them favourably, as he had done the Hettrurians; and then, returning to Rome, entered it in triumph, and with the same pomp as after the conquest of Hettruria.

Year of
R. O. M. E.
Tarquin
I. fifth
king.

§. VII. THE victorious king did not forget his vow to build a temple to Jupiter, Juno, and Minerva. He levelled the top of the hill Tarpeius (formerly Saturnius), marked out the plan of the temple, and laid the foundations of it. Navius the augur, having been consulted about what part of Rome Jupiter would like best to be placed in, had declared for the hill Tarpeius: but then a difficulty arose about removing the gods, who had already got possession of this hill, without giving them offence. By the help of augury, it was discovered, that they were all willing to be removed, except the god Terminus,^f and the goddess Youth, who having no mind to go, were afterward enclosed within the walls of the temple, the area of which was now dedicated by Navius.

P. 199.

P. 201.

P. 202.

This famous augur soon after disappeared. He was supposed to be murdered; and the people were very inquisitive after the authors of his death. The sons of Ancus Martius endeavoured to fix the calumny upon the king, and accused him publicly. Tarquin attempt-

P. 203.

^f Livy, b. 1. c. 55. places this fact of the unwillingness of Terminus to remove, in the reign of Tarquin the Proud.

Year of
ROME

Tarquin
1. fifth
king.

ed in vain to appease the tumult which they excited; Servius Tullius, the king's son-in-law, and the most popular man in Rome, was obliged to employ all his credit to quiet the rage of the people. At length the falseness of the accusation being known, the sons of Ancus were detested for having raised the slander. However, Tarquin pardoned them, in consideration of the favours he had received from their father.

P. 200. He was more severe to Pinaria, a prostitute vestal. He caused her to be buried alive, and the man who had dishonoured her to be whipped to death. Nevertheless, he did not lose his esteem for the class of vestals; on the contrary, he added two to their number, augmenting it to six.

P. 204. §. VIII. TARQUIN being now eighty years old (of which he had reigned thirty-seven), and drawing near his end, the ambition of the sons of Ancus grew more active.

Livy,
b. 1.
c. 40.

They always remembered with indignation the arts by which their guardian had secured to himself their father's kingdom, nor could they brook to see a foreigner sit upon the Roman throne to their prejudice: but when they perceived that the kingdom was not likely to pass to them, even after the death of Tarquin, but that Servius Tullius would probably succeed his father-in-law, they no longer set any bounds to their resentment. "What! (said they) while we, the sons of Ancus Martius, are living, shall the Roman throne lie open, not only to strangers, but even to slaves?" Nevertheless, they bent their fury rather against the life of Tarquin than of Servius, both because the revenge of a king was more to be dreaded than that of a private man, and because, should they destroy Servius, Tarquin might provide himself another son-in-law to succeed him.

D. Hal.
p. 205,
206.

The method they took to compass the death of the old king was this: they hired two young men, who dressed themselves like peasants, with hatchets on their shoulders, as if they were wood-cleavers: these going

near the king's palace, pretended to have a quarrel about some goats. The noise they made reaching the inmost rooms of the palace, brought the officers of the court about them, who carried them before the king, to whom they both appealed. At first they began to bawl and rail at each other, till they were restrained by a lictor, and ordered to speak by turns. Then one of them began to tell his story, and, while the king was wholly attentive to it, the other, lifting up his hatchet, gave him a great cut in the head; after which, leaving his weapon in the wound, he instantly ran out of doors with his fellow. But, while some of the company hastened to assist the wounded king, others pursued the ruffians, and seized them; and being put to the torture, they confessed by whom they had been employed. By this time there was a great concourse of people at the palace, wondering at the attempt, and curious to know the event.

Queen Tanaquil did not lose her presence of mind on this occasion. She cleared the palace of the crowd, shut herself up in the apartment of the expiring king, with only her son-in-law, Servius Tullius, his wife, and Ocrisia, his mother, and pressed him to ascend the throne, that Tarquin's two grandsons might be safe under his protection:^f "Servius, if thou art a man, the kingdom is thine, and not theirs, who have committed the greatest villany by the hands of other men. Take courage then, and follow the gods, thy conductors, who foretold thy future glory by the divine fire which shone round thy head.^h Let that celestial flame now warm thee. Rouse thyself in earnest. We who were strangers have reigned here. Think who thou art, not of whom thou wast born; and if thy counsels are at a stand by reason of this unexpected accident, follow mine." She

Year of
ROME.
Tarquin
I. fifth
king.

D. Hal.
b. 4. p.
209. et
seq.
Livy, b.
1. c. 41.

^f It is much contested whether the children here spoken of, Lucius Tarquinius and Arunx, were the sons or grandsons of Tarquinius Priscus. Dion. Hal. contends warmly for the latter opinion.

^h A report had been carefully propagated, that when Servius was a child, and asleep, a sudden light or flame, in form of a crown, encompassed and rested upon his head.

Year of
R O M E.

Tarquin
I. fifth
king.

then opened the window which looked upon the street, and bade the people be in no concern; she told them, that the wound was not deep, that the king was stunned with the sudden blow, but was come to himself again; and she hoped they would see him very shortly; that in the mean time he ordered them to obey Servius Tullius, who would administer justice to them, and perform all other kingly offices. This stratagem succeeded. The report that the king would soon be well again, and appear in public, being spread and believed, this so terrified the sons of Ancus, that they went of their own accord into banishment, to Suessa Pometia.

The second day after the murder of Tarquin, Servius Tullius, attended by the lictors, sat on the throne in the royal robes, and heard causes; some he decided, and upon others he pretended he would consult the king. As it became him to revenge the attempt against the person of his sovereign, he accordingly cited the sons of Ancus to appear before his tribunal; and upon their non-appearance, they were declared infamous, and their estates confiscated. The regent continued for some time to act this part, and so managed his affairs, as to gain the hearts of the Romans, by his prudent administration. At length, when he thought his authority sufficiently established, the death of Tarquin was proclaimed as a thing recent, with loud lamentations, and Servius performed magnificent obsequies for him: after which, without being legally elected king, either by senate or people,¹ he continued to hold the reins of government, appearing in public with a strong guard, and with all the ensigns of royalty.

¹ Livy says, that Servius Tullius took possession of the kingdom with the consent of the fathers.

CHAP. VII.

SERVIUS TULLIUS.

SECT. I. The birth and education of Servius Tullius. The honours he pays to the goddess Fortune upon his elevation to the throne. II. The patricians conspire to dispossess him. He gains the people to his interest, is legally elected king by the curiæ, and though the senate refuses to confirm this election, keeps possession. III. Servius defeats the rebellious Hetrurians. He enlarges Rome, and adds a fourth tribe to the three old ones. He institutes the compitalia in favour of slaves. A fourth city-tribe. He divides the Roman territory with its inhabitants into tribes. He marries his two daughters to Lucius Tarquinius and Aruux, the grandsons of the late king. Rustic tribes. He subdues the Hetrurians. IV. Servius divides the Roman citizens into six classes, and these into centuries. He institutes the census and the lustrum, and coins money. Comitia by centuries. V. He gives the liberti or freedmen the privilege of Roman citizens. VI. He reforms the regal power, and executes a scheme for securing to the Romans the fidelity and friendship of the Latins and Sabines. The census and lustrum. VII. The wicked intrigues of Tarquin and the younger Tullia. Tarquin accuses the king of usurpation before the senate. Servius pleads his cause there, but appeals to the people, and is by them confirmed on the throne. VIII. Tarquin regains the king's favour by submissions, but soon after causes him to be murdered, and usurps the kingdom. 219.

§. I. **SERVIUS TULLIUS**, the sixth king of Rome, was the son of Ocrisia, a woman of extraordinary beauty and distinguished virtue, taken captive at the sacking of Corniculum: but who his father was is uncertain. Dionysius reports that one Tullius, a warrior of royal extraction, and killed in the defence of that city, was the husband of Ocrisia, and at his death left his wife with child of this son. Tarquin made a present of the fair captive to Queen Tanaquil, who being soon after apprized of her quality and merit, conceived a particular esteem for her, and restored her to freedom. Nevertheless, Ocrisia's son, being born while she was yet in a state of servitude, had thence the name of Servius. This is Dionysius's account. But Plutarch will have Ocrisia to have been a virgin at the time of her falling into captivity, and to have afterward married one of the king's clients, by whom she had Servius Tullius. Nor have there been wanting writers who have given this prince a divine origin, and made him the son of Vulcan, a fable which probably owed its rise to another fable reported for truth by Tanaquil and Ocrisia, of a sudden flame, in form of a crown, which surrounded the head of Servius when he was a child and asleep.

Year of
R O M E
175 to 219.

Servius
Tullius,
sixth
king.
D. Hal.
b. 4.
p. 206.

Plut. de
Fort.
Rom.
p. 323.
D. Hal.
b. 4.
p. 207.

Year of
ROMÆ.

Servius
Tullius,
sixth
king.

From such different accounts, as also from the silence of the capitoline marbles on this head, it is pretty certain, that nothing was less known to the historians than the true descent of Servius.^k In these things, however, they all agree, that King Tarquin and his queen had the same tenderness for the son of Ocrisia, as if he had been their own offspring, and took the same care of his education; and that, nevertheless, it was chiefly to his own wise, noble, and uniform conduct, that he owed his gradual elevation to the highest step of honour.

P. 208. Servius Tullius distinguished himself by his military achievements, even before he was arrived to the age of manhood. The reputation of a brave warrior, which he then acquired, increased as he advanced in years; and this, with his amiable polite manners, his eloquence, and his extraordinary ability in council, so gained him the esteem and affection of the people, that, with unanimous approbation, he was raised to the rank of a patrician, and to a place in the senate. The king and queen, nevertheless, did not originally intend him the honour of an alliance with the royal family. They married him to Gegania, a Roman lady of illustrious birth; and it was only after her death, that they first thought of giving him their daughter Tarquinia: but after this alliance, the king reposed an entire confidence in him for the management both of his domestic concerns, and the affairs of the public: in which latter Servius acquitted himself so well, that the people were quite indifferent whether they were governed by him or Tarquin; and this it was that made it so easy for him to seat himself on the throne upon the death of his father-in-law.

Plut. de
Fort.
Rom.

Plut.
Quest.
Rom. p.
281.

As Servius, notwithstanding his superior merit, looked upon himself to be wholly indebted to fortune for his grandeur, the first homage he paid, after he was

^k Father Catrou thinks it strange that none of the historians have made Tarquin himself the father of Servius; but would it not have been more strange if any of them had, since Tarquin thought fit to marry him to one of his daughters?

king, was to this goddess; and he erected an incredible number of altars and temples to her, styling her by various epithets: and being resolved to make the peaceful Numa his pattern, and aspire to fame by establishing as much order in the civil polity of Rome, as that wise prince had done in the religious, he, like him, pretended to have private conversations with the goddess, and Fortune was his Egeria.

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Servius
Tullius,
sixth
king.

§. II. BUT how much soever Servius had been favoured by his goddess in possessing himself of the government, the beginning of his reign was not without disturbances. The patricians especially were much dissatisfied with the little respect he had shewn to the ancient usages, upon the demise of a king. He had ascended the throne without being elected to it, and only as a regent: there had been no interregnum as formerly. Complaints of these things were first dropped in private assemblies, but soon improved into almost a general conspiracy; and the senators agreed among themselves, that the first time they met, they would force the king to lay aside his royalty. Servius, in this emergency, applied himself to gain the people, and employ their power against that of the patricians. Among his other natural endowments, he had a ready and lively eloquence, proper to make impressions on a multitude. When, therefore, he had convened the people, having with him the two grandsons of the late king, one on each hand, he made a speech to the assembly to this affect: "See here, illustrious Romans, the tender offspring of one of your greatest kings. The bare sight of them will bring to your remembrance the virtues and victories of their grandfather. A melancholy death and cruel parricide robbed you of him, and left his posterity exposed to the artifices and fury of his assassins. I alone received a charge from the dying king to protect these helpless children in their infancy: and to this I found myself pre-engaged, both by the alliance I had made in Tar-

D. Hal.
p. 213.

P. 214.

Year of
ROM E.

Servius
Tullius,
sixth
king.

quin's family, and by the favours heaped on me by that generous prince. Be you, Romans, their joint guardians with me; and whatever gratitude you owe me for the services I have formerly done you, which I need not remind you of, let it all be transferred to these my pupils. But why should I employ many words with you in their favour? You know what is fit to be done, and will do it. I shall now only tell you the benefits I have resolved to procure for you; and it was for this reason I called you together. You shall no longer be the slaves of your creditors, nor bear the chief burden of the public taxes. I will provide remedies for both these evils. It is not just, that the lands which are conquered at the expense of your toils and blood, should be distributed only among the most audacious of the great; whilst you continue without a foot of land of your own, and are obliged to cultivate the estates of others for hire. You have long enough borne the contemptuous usage of the patricians, who hardly look upon you as freemen, because you are poor. I will never rest till I have established you in perfect liberty." Nor was this harangue of the king mere empty words: for a few days after he commanded all the insolvent debtors to send him an account of their debts, and the names of their creditors; and then causing counting-houses to be opened in the Roman forum, he there paid all with his own money. He likewise published an edict, commanding all such as had usurped any lands belonging to the public, to quit them at an appointed time; and ordered those of the citizens, who had no land of their own, to petition for them. And, P. 245. lastly, he made some new laws, which retrenched certain pretended privileges, made use of by the patricians, in their lawsuits with the plebeians, to vex and oppress them.

But though the inclinations of Servius Tullius led him more to works of peace, and civil government, than to military exploits, he found himself obliged to embark

in a war. It proved a very long one, but brought much glory both to the Roman people, and to their king. The Veientes, whom Tarquin had often subdued, refused now to recognise the sovereignty of Rome, and had lately treated with scorn some ambassadors sent from thence to claim their submission. “We entered (said they) into no treaty with the son of a slave; nor will we ever submit to Servius’s dominion. Tarquin is dead, and our obligations to be subject to the Romans are dead with him.”

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Servius
Tullius,
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king.

This confidence of the Veientes proceeded partly from the hopes they had of profiting by the dissensions between the king and senate of Rome. They therefore prepared for war, and drew two other lucumonies, viz. those of Cære and Tarquinii, into their party. But Servius, by his courage and conduct, subdued these confederates, and judging it proper to make them examples of severity, because they had been the aggressors, he deprived them of their lands, and transferred the property of them to such of the new citizens of Rome as had yet no lands of their own: after which, supported by his own glory and the favour of the people, he obtained the honours of a triumph, in spite of the hatred of the senate.

P. 231.

The senators now finding the people entirely well affected to the king, suppressed their complaints, lest if they insisted on an interregnum, it should occasion a legal election of Servius by the curiæ. This prince had too much penetration not to see into the mystery of their policy, and therefore resolved to make advantage of the present favour of the multitude, to render his title to the throne less disputable. He assembled the citizens, and in a moving speech, which drew tears from their eyes, complained of a design formed by the patricians to take away his life, and to bring back the sons of Ancus, “And this (said he) for no other reason but the kindness I have shewn to the plebeians.” In the

P. 216.

P. 217.

Year of
ROM E.

Servius
Tullius,
sixth
king.

conclusion of this harangue he left the kingdom absolutely to their disposal, and begged them to determine between him and his pupils on one side, and their competitors on the other. "If you give sentence against us, these children, with the rest of Tarquin's family and blood, shall immediately leave the city. As for me, I have lived long enough for the views of virtue and glory: nor when I have once lost the hearts of you, my people, which I value above all things else, will I consent to drag on an ignominious life among strangers. Take then these fasces, and if you so think fit, give them to the patricians; I will trouble you no more with my presence." As he ended these words he stepped down hastily from the tribunal, in order to leave the assembly; but they called to him to stay, entreated him to be their king, and even used violence to stop him. Some cried out, "Let the curiæ be assembled, that we may elect Servius without delay." Accordingly a day was appointed; and, when the day came, he was chosen king. However, the senate could never be brought to confirm this election; and their faction was so formidable, that Servius deliberated with himself, whether he should not renounce the dignity conferred on him by the people: but imparting his perplexities to Tanaquil, she encouraged him, and even took an oath of him, whereby he engaged himself not to resign the kingdom. This magnanimous queen died soon after; and the king, to immortalize her domestic virtues, the true glory of a woman, hung up her distaff in the temple of Hercules.

Plut. de
Fort.
Rom.

§. III. As Servius was now resolved to continue on the throne, the Hetrurians furnished him with an opportunity to augment his glory. His victory over them obtained him the honour of a second triumph. An interval of rest after this war he dedicated to the enlarging and adorning the city. Romulus had enclosed at first only the hill Palatinus, and afterward added the hill Tarpeius; to these Numa joined the Quirinalis: Tullus

Hostilius took in the hill Cœlius ; Ancus Martius enclosed Mount Aventine, and joined the Janiculum to the city by a wooden bridge ; Tarquinius Priscus only built the walls of Rome of hewn stone, without enlarging its bounds ; but Servius enclosed within its limits the hills Esquilinus and Viminalis, on the first of which he fixed his own palace, in order to draw inhabitants thither ; and he added a fourth tribe to the three of Romulus's division,¹ and called tribus Esquilina.

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R O M E.

Servius
Tullius,
sixth
king.
D. Hal.
b. 4.
p. 218.

This king, in order to have an exact register of the inhabitants of Rome, obliged every one to stay in the tribe wherein he was born ; and he likewise made a law, that a piece of money should, upon every death, be paid into the temple of the goddess Libitina, who presided over funerals ; another into the temple of Juno Licina, upon every birth ; and another into the temple of Youth, as soon as any person was past the state of childhood. By this means it became easy to know the number of the Roman citizens, and who of them were able to bear arms.

P. 220.

It was partly perhaps to do honour to his first condition, that Servius made an institution in favour of slaves. He erected little wooden oratories in all the cross-ways, dedicated to the dii compitales, or gods of the cross-ways, and commanded that slaves only should be priests to these gods. They had their particular festival, on which masters gave the slaves rest from all labour.

P. 219.

To establish equal order throughout the Roman state, Servius disposed into distinct tribes^m all the citizens that

P. 220.

¹ The three tribes of Romulus's division were called the tribe of the Ramnenses, or tribus palatina ; the tribe of the Tatienses, or tribus suburbana ; and the tribe of the Luceres, or tribus collina.

As taxes were raised by laying a certain sum on each tribe, it was hence, as Varro tells us, that those taxes were called tributes and contributions ; though Livy says that the Roman tribes were so called from the tributes levied on them.

^m What the number of these tribes was, into which Servius divided the freemen of Rome who lived in the country, seems to be uncertain. The learned Jesuits, Fathers Catrou and Rouillé, made it to be just fifteen, but they give no reason for their conjecture. They offer good reasons why the number could not be thirty-one, as Dionysius (following Venonius an ancient author) believed. For according to the same Dionysius there were in all, including the four city tribes, but twenty-one who voted at Coriolanus's trial many years after. Livy and Florus speak of an augmentation of the tribes in the year 258, after which augmentation the number was bet

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Servius
Tullius,
sixth
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dwelt in the country ; and he ordered, that in each of these country tribes there should be one place of refuge, situated on a steep hill, to secure the effects of the peasants upon sudden alarms. These strong holds he called pagi, which signifies villages or boroughs ; and he appointed a festival, called paganalia, to be held every year in each of these pagi. All the peasants of the several tribes were to be present at the yearly sacrifices offered to the tutelary gods of their respective villages, and every person was to bring a piece of money, the men a piece of one kind, the women of another, and the children of a third sort, to be paid into the hands of those who presided at the sacrifices. By counting these pieces of money they learnt the exact number, age, and sex, of the persons belonging to each tribe.

In the midst of his cares for the public safety this provident king did not forget his own. His two wards, Lucius Tarquinius and Arunx, being now sufficiently advanced in years to be capable of disturbing his government, should they prove ill-affected to him, he, the better to secure their fidelity, married them to his two daughters : and though the elder of these daughters, being of a mild and virtuous disposition, resembled in character the younger of his pupils, as the elder of his pupils did the younger of his daughters who was violent and vicious, yet he thought it most advisable to match them according to priority of birth, that so the mildness and discretion of the elder Tullia might restrain the dangerous impetuosity of Lucius, and the vivacity of the younger Tullia quicken the unambitious indolence of Arunx.

During the public rejoicings for this double marriage, the Heturians were preparing to make war upon the Romans in a national body. The historians have not been particular in their accounts of this war ; they only tell us that Servius, by repeated victories over them, re-

twenty-one : and Livy afterward speaks of another addition of tribes. Now the whole number of Roman tribes never exceeded thirty-five, which number would have been complete in Servius's time, according to Venonius's account.

duced them to ask peace, and to submit to him upon the same conditions on which they had submitted to his predecessor : and that for this success he was honoured with a third triumph.

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R O M E.

Servius
Tullius,
sixth
king.

§. IV. AFTER this the king returned to the pursuit of his political schemes. Taxes had been hitherto levied upon the people at so much a head, without distinction of rich and poor ; and as both sorts were equally obliged to serve in the field at their own expense, it was often very hard upon the poorer sort. There was likewise this farther inconvenience in the present government of affairs, that as war and peace, the creation of magistrates, and the making and abrogating of laws, were determined by a majority of the curiæ assembled, and as in these curiæ the rich and the poor, the patrician and the plebeian, were mingled without any distinction, and every man's voice was of equal value, the indigent and ignoble, though less qualified to judge, and more easily corrupted, yet being vastly the more numerous, had in these assemblies a greater share in all decrees than the noble and wealthy. Servius formed a project to remedy these evils. He ordered all the Roman citizens, under the severest penalties, to give an account in writing of their names and ages, with those of their fathers, wives, and children. He farther obliged all the heads of families to deliver in upon oath a just estimate of their effects, and to mention the places of their residence, whether in town or country. Having got information of these things, he undertook to ease the poor, by burdening the rich, and yet to please the latter, by augmenting their power.

P. 221,
222.

To this end he divided the Roman citizens into six classes ; and as all the soldiery was to be raised out of these, he appointed them offensive and defensive arms, according to their dignity and pre-eminence. The first class consisted of those whose estates in land and effects were worth at least 100,000 asses of brass, according

Livy, b.
1. c. 43.
382 l. 18s.
4d.
Arbuth.

Year of
ROME.

Servius
Tullius,
sixth
king.

to the Latin way of computing, or 10,000 drachmæ, according to the Greek. This first class was subdivided into fourscore centuries, or companies of foot, forty of which companies were made up of young men ; that is, of such as were from seventeen to forty-five years of age, and these alone were obliged to take the field : the other forty companies of the same class were old men ; that is, such as were past forty-five, whose only duty was to defend the city. Every soldier of this first and most honourable body of the Roman infantry was defensively armed with a small oval shield after the Greek fashion, a helmet of brass, a cuirass, and cuisses of the same metal ; and their weapons were a pike, a javelin, and a sword. To these fourscore centuries of foot, Servius joined eighteen centuries of Roman knights, who fought on horseback. Hitherto there had been but three centuries of knights. What number of men they contained is uncertain. Livy tells us, that of these three centuries, Servius made six, and added twelve new centuries to them, and ordained that this considerable body of horsemen should be at the head of the rich class ; because, doubtless, the estates of these knights exceeded the sum necessary for being admitted into this first class. But though they were rich, yet the public supplied them with horses ; and a tax was laid on widows, who were exempt from all other contributions, for maintaining their horses. This first class, including infantry and cavalry, consisted of ninety-eight centuries.

Livy,
b. 1.
c. 43.

D. Hal.
b. 4. p.
221.
242f. 3s.
9d.

The second class comprehended those Romans whose estates were worth at least 75,000 asses of brass, or 7500 drachmæ. It was divided into twenty centuries of soldiers, all foot ; ten of young men, and ten of old. And to these twenty were joined two other centuries of carpenters, smiths, and other artificers for the engines of war ; so that the second class contained in all twenty-two centuries. The soldiers of this class were armed like

those of the former; with this only difference, that they had no cuirass, and instead of the small oval shield, had a buckler of the figure of an oblong square, which, almost covering their whole body, made the cuirass needless.

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—
Servius
Tullius,
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king.

In the third class were those who were esteemed worth 50,000 asses, or (which amounts to the same) 5000 drachmæ. These wore no defensive armour but the helmet and square buckler; but they fought as the others did, with the pike, javelin, and sword. These were also divided into twenty centuries.

The fourth class consisted of such as were worth 25,000 asses, or 2500 drachmæ, and this likewise contained twenty centuries, ten of old men, and ten of young: and to these were added two other centuries of trumpets and blowers of the horn, who supplied the whole army with this martial music. The soldiers of this class had no defensive arms but a square buckler; their offensive ones were the same with those of the former.

1611. 2d.
807. 14s.
7d.
P. 222.

In the fifth class were included those whose whole substance did not amount to more than 12,500 asses, or 1250 drachmæ. They were divided into thirty centuries, fifteen old and fifteen young. They were not suffered to wear any defensive armour, and their only weapons were slings and darts.

431. 7s.
3d. 2f.
A. Gel.
b. 16.

The sixth class comprehended all those who either had no estates, or were not worth so much as the soldiers of the fifth class. The number of them was so great, as to exceed that of any of the other classes, yet they were reckoned but as one century.

By this enumeration we see that the Roman people were, in Servius's time, divided into 193 centuries,^a

^a It may be proper here to explain, once for all, the difference between the three sorts of comitia successively established in the Roman government, with the manner in which the people gave their votes in these assemblies.

The comitia, according to Sigonius's definition, were general assemblies of the people lawfully called by some magistrate, for the enjoyment or prohibition of any thing by their votes. Sigon. de Antiq. Jur. Civ. Rom. l. 1. c. 17.

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reckoning the whole sixth class as but one century; and, after a full inquiry, it appeared that the number of free-

The proper comitia were of three sorts; *curiata*, *centuriata*, and *tributa*; with reference to the three grand divisions of the city and people into *curiæ*, centuries, and tribes: for by *comitia calata*, which we sometimes meet with in authors, in elder times were meant all the comitia in general; the word *calata*, from *καλέω* or *calo*, being their common epithet; though it was at last restrained to two sorts of assemblies, those for the creation of priests, and those for the inspection and regulation of last wills and testaments. A. Gell. l. 15. c. 27.

The comitia *curiata* owe their original to the division which Romulus made of the people into thirty *curiæ*; ten being contained under every *tribe*. They answered, in most respects, to the parishes in our cities, being not only separated by proper bounds and limits, but distinguished too by their different places set apart for the celebration of Divine service, which was performed by particular priests (one to every *curia*) with the name of *curiones*.

Before the institution of the comitia *centuriata*, all the grand concerns of the state were transacted in the assembly of the *curiæ*; as, the election of kings, and other chief officers, the making and abrogating of laws, and the judging of capital causes. After the expulsion of the kings, when the commons had obtained the privilege to have tribunes and *adiles*, they elected them for some time at these assemblies: but that ceremony being at length transferred to the comitia *tributa*, the *curiæ* were never convened to give their votes, except now and then upon account of making some particular law, relating to adoptions, wills, and testaments, or the creation of officers for an expedition; or for the electing of some of the priests, as the *flamines*, and the *curio maximus*, or superintendent of the *curiones*, who themselves were chosen by every particular *curia*.

The power of calling these assemblies belonged at first only to the kings; but upon the establishment of the democracy, the same privilege was allowed to most of the chief magistrates, and sometimes to the pontifices.

The persons who had the liberty of voting here, were such Roman citizens as belonged to the *curia*; or such as actually lived in the city, and conformed to the customs and rites of their proper *curiæ*; all those being excluded who dwelt without the bounds of the city, retaining the ceremonies of their own country, though they had been honoured with the *jus civitatis*, or admitted free citizens of Rome: Sigon. de Antiq. Jur. Prov. l. 3. c. 1.

The place where the *curia* met was the *Comitium*, a part of the forum, as has been already mentioned. See part 2. l. 1. c. 5.

No set time was allotted for the holding of these or any of the other comitia, but only as business required.

The people being met together, and confirmed by the report of good omens from the augurs (which was necessary in all the assemblies), the *rogatio*, or business to be proposed to them, was publicly read. After this (if none of the magistrates interposed), upon the order of him that presided in the comitia, the people divided into their proper *curiæ*, and consulted of the matter; and then the *curiæ* being called out, as it happened by lot, gave their votes, man by man, in ancient times *vivâ voce*, and afterward by tablets (*tabellæ*); the most votes in every *curia* going for the voice of the whole *curia*, and the most *curiæ* for the general consent of the people. Rosin. l. 7. c. 7.

In the time of Cicero, the comitia *curiata* were so much out of fashion, that they were formed only by thirty lictors, representing the thirty *curiæ*; whence in his second oration against Rullus, he calls them comitia *adumbrata*.

The comitia *centuriata* were instituted by Servius Tullius; who obliging every one to give a true account of what he was worth, according to those accounts divided the people into six ranks or classes, which he subdivided into 193 centuries. The first classes, containing the equites and richest citizens, consisted of ninety-eight centuries. The second, taking in the tradesmen and mechanics, made up two-and-twenty centuries: the third, twenty; the fourth, twenty-two; the fifth, thirty; and the last, filled up with the poorer sort, but one century. See Dionys. l. 4.

And this, though it had the same name with the rest, yet was seldom regarded, or allowed any power in public matters. Hence it is a common thing with the Roman authors, when they speak of the classes, to reckon no more than five, the sixth not being worth their notice. This last classis was divided into two parts, or orders, the

men, who were capable of bearing arms, amounted to 84,700.

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p. 225.

proletari, and the *capite censi*. The former, as their name implies, were designed purely to stock the commonwealth with men, since they could supply it with so little money. And the latter, who paid the lowest tax of all, were rather counted and unmarshalled by their heads, than their estates. A. Gell. l. 7. c. 13.

Persons of the first rank, by reason of their pre-eminence, had the name of *classici*, whence came the phrase of *classici auctores*, for the most approved writers. All others, of what classis soever, were said to be *infra classem*. Ibid. l. 16. c. 10.

The assembly of the people by centuries was held for the electing of consuls, censors, and prætors; as also for the judging of persons accused of what they called *crimen perduellionis*, or actions by which the party had shewed himself an enemy to the state; and for the confirmation of all such laws as were proposed by the chief magistrates, who had the privilege of calling these assemblies.

The place appointed for their meeting was the Campus Martius; because in the primitive times of the commonwealth, when they were under continual apprehensions of enemies, the people, to prevent any sudden assault, went armed, in martial order, to hold these assemblies; and were for that reason forbid by the laws to meet in the city, because an army was upon no account to be marshalled within the walls: yet, in latter ages, it was thought sufficient to place a body of soldiers as a guard in the Janiculum, where an imperial standard was erected, the taking down of which denoted the conclusion of the comitia.

Though the time of holding these comitia for other matters was undetermined; yet the magistrates, after the year of the city 601, when they began to enter on their place on the kalends of January, were constantly designed about the end of July, and the beginning of August.

All the time between their election and confirmation, they continued as private persons, that inquiry might be made into the election, and the other candidates might have time to enter objections, if they met with any suspicion of foul dealing. Yet at the election of the censors, this custom did not hold; but as soon as they were pronounced elected, they were immediately invested with the honour. Liv. l. 40.

By the institution of these comitia, Servius Tullius secretly conveyed the whole power from the commons: for the centuries of the first and richest class being called out first, who were three more in number than all the rest put together, if they all agreed, as generally they did, the business was already decided, and the other classes were needless and insignificant. However, the three last scarce ever came to vote. Dionys. l. 4.

The commons, in the time of the free state, to rectify this disadvantage, obtained, that before they proceeded to voting any matter at these comitia, that century should give their suffrages first, upon whom it fell by lot, with the name of *centuria prærogativa*; the rest being to follow according to the order of their classes. After the constitution of the five-and-thirty tribes, into which the classes and their centuries were divided, in the first place, the tribe cast lots, which should be the prerogative-tribe; and then the centuries of the tribe, for the honour of being the prerogative-century. All the other tribes and centuries had the appellation of *jure vocatæ*, because they were called out according to their proper places.

The prerogative-century being chosen by lot, the chief magistrate sitting in a tent (*tabernaculum*) in the middle of the Campus Martius, ordered that century to come and give out their voices: upon which they presently separated from the rest of the multitude, and came into an enclosed apartment, which they termed *septa*, or *ovilia*, passing over the *pontes*, or narrow boards, laid there for the occasion; on which account, *de ponte dejici* is to be denied the privilege of voting, and persons thus dealt with are called *deportani*.

At the hither end of the *pontes* stood the *diribitores* (a sort of under-officers, called so from dividing or marshalling the people), and delivered to every man, in the election of magistrates, as many tables (*tabellæ*) as there appeared candidates, one of whose names was written upon every tablet.

A fit number of great chests was set ready in the *septa*, and every body threw in which tablet he pleased.

By the chests were placed some of the public servants, who taking out the tablets of every century, for every tablet made a prick, or a point in another tablet, which

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These regulations being made, the troops were no longer raised at so many men each tribe, nor were taxes levied at so much a head as formerly; but every century furnished so many men, and so much money; and the first and richest class, being more numerous in centuries than all the rest together, furnished of consequence more men and more money for the public service than the whole Roman state besides. However, that ample

they kept by them. Thus the business being decided by most points, gave occasion to the phrase of *omne tulit punctum*, (Hor. de Arte Poet.) and the like.

The same method was observed in the judiciary processes at these comitia, and in the confirmation of laws, except that in both these cases only two tablets were offered to every person, on one of which was written U. R. and on the other A. in capital letters; the two first standing for *uti rogas*, or, Be it as you desire, relating to the magistrate who proposed the question; and the last for *antiquo*, or, I forbid it.

It is remarkable, that though in the election of magistrates, and in the ratification of laws, the votes of that century, whose tablets were equally divided, signified nothing: yet in trials of life and death, if the tablets *pro* and *con* were the same in number, the person was actually acquitted. Dionys. l. 7.

The division of the people into tribes was an invention of Romulus, after he had admitted the Sabines into Rome; and though he constituted at that time only three, yet as the state increased in power, and the city in number of inhabitants, they rose by degrees to five-and-thirty. For a long time after this institution, a tribe signified no more than such a space of ground with its inhabitants. But at last the matter was quite altered, and a tribe was no longer *pars urbis* but *civitatis*; not a quarter of the city, but a company of citizens living where they pleased. This change was chiefly occasioned by the original difference between the tribes in point of honour. For Romulus, having committed all sordid and mechanic arts to the care of strangers, slaves, and libertines, and reserved the more honest labour of agriculture to the freemen and citizens, who by this active course of life might be prepared for martial service; the *tribus rustice* were for this reason esteemed more honourable than the *urbane*: and now all persons being desirous of getting into the more creditable division, and there being several ways of accomplishing their wishes, as by adoption, by the power of the censors, and the like; that rustic tribe which had most worthy names in its roll had the preference to all others, though of the same general denomination. Hence all of the same great family, bringing themselves by degrees into the same tribe, gave the name of their family to the tribe they honoured; whereas at first, the generality of the tribes did not borrow their names from persons but from places. See Mr. Walker of Coins, p. 126.

The first assembly of the tribes we meet with is about the year of Rome 263, convened by Sp. Sicinius, tribune of the commons, upon account of the trial of Coriolanus. Soon after the tribes of the commons were ordered to be elected here: and at last all the inferior magistrates and the collegiate priests. The same comitia served for the enacting of laws relating to war or peace, and all others proposed by the tribunes and plebeian officers, though they had not properly the name of *leges*, but *plebiscita*. They were generally convened by the tribunes of the commons; but the same privilege was allowed to all the chief magistrates.

They were confined to no place, and therefore sometimes we find them held in the Comitium, sometimes in the Campus Martius, and now and then in the Capitol.

The proceedings were in most respects answerable to those already described in the account of the other comitia, and therefore need not be insisted on; only we may farther observe of the comitia in general, that when any candidate was found to have most tablets for a magistracy, he was declared to be designed or elected by the president of the assembly; and this they termed *renunciari* consul, prætor, or the like: and that the last sort of the comitia only could be held without the consent and approbation of the senate, which was necessary to the convening of the other two. Dionys. l. 9. Kennet's Antiq. p. 2. b. 3. c. 16.

amends might be made this class for the weight laid on it, Servius gave it in effect the whole authority in public affairs, by assembling the people in comitia by centuries, instead of comitia by curiæ. For the votes in the former being reckoned by centuries, and the rich class containing more centuries than all the other five, had consequently every thing at its disposal. The votes of this class were the first taken, so that if the ninety-eight centuries happened to agree in opinion, or only ninety-seven of them, the affair was determined, because these made the majority of the 193 centuries which composed the six classes. There was very rarely any occasion to go so low as the fourth class for a majority of votes. After this time the assemblies of the curiæ were only held for the election of the flamines, and the chief curio; and for some other matters of no great moment.

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Livy,
b. 1.
c. 43.

Servius having established this distinction among the citizens according to the census,^a or valuation of their estates, commanded them to appear on a day appointed, under arms, and according to their classes and centuries, in the Campus Martius, which was a large plain field, lying without the city near the Tiber. It had been consecrated by Romulus to the god Mars. Here, by the king's order, was made a solemn lustration or expiatory sacrifice in the name of all the people. The sacrifice consisted of a sow, a sheep, and a bull, whence it took the name of *suovetaurilia*. The whole ceremony was called *lustrum*, à *luendo*, from paying, expiating, clearing, or perhaps from the goddess Lua (so named from the verb *luo*), to whom Servius is said to have built a temple. She was invoked in all expiations, and when people made up their accounts and paid their debts. Because of the continual change of men's estates, it was ordered, that the census should be renewed every five years, and it being usually closed by the lustrum, it was hence that this word came to signify that term of years. It is pro-

D. Hal.
p. 226.
Livy,
c. 14.

^a From *censo*, to rate or value.

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bable, that the first coined money ever known in Rome was struck at this time. The sacrifices of the lustrum might perhaps lead Servius to stamp the figures of the animals there slain on pieces of brass of a certain weight. It is undoubted, that money was called *pecunia* from the word *pecus*, i. e. cattle.

D. Hal.
b. 4.
p. 426.

§. v. THIS wise prince contrived also to augment the number of the citizens, by an expedient which none of his predecessors had ever thought of. Remembering his former servile condition, he commiserated the case of those whom an unsuccessful war had reduced to slavery, and who were often persons well born. He judged, that such of these unfortunate people, who by long and faithful services to their masters had deserved and obtained their freedom, were much more worthy to be made citizens of Rome than untractable vagabonds from foreign countries, who were usually admitted without distinction. He gave the freedmen their choice therefore, either to return to their own countries, or continue at Rome. Such as chose to continue there he divided into the four city tribes. They were still distinguished from the other plebeians, by their old name of *liberti*, or freedmen, but enjoyed all the privileges of free citizens. The senate at first took offence at this regard shewn to such mean people; upon which the king having assembled them, addressed himself to them in the following manner:

“ If nature has made any distinction between slaves and such as are born free, we ought indeed to observe the order she has established, and to divide those from the rest of mankind whom she has separated from them: but if the placing some in a state inferior to others, be owing to fortune only; does it not become your wisdom to rectify the capricious determinations of a blind goddess? Has this fortune, who now inspires you with so much contempt for men taken in war, promised you that your happiness shall be perpetual? Are you sure

you and your children shall uninterruptedly enjoy this prosperity which renders you so haughty? Brave and illustrious nations have been often known to experience the vicissitudes of the fortune of war. Such as have played the tyrant over those they had conquered, have been themselves reduced to undergo tyranny and oppression from them in their turn. How many instances of these unexpected revolutions have we in Greece, and the barbarous nations? But to return to us Romans; how inconsistent are our proceedings, when we refuse the rights of citizens to those men to whom we grant liberty? If your slaves were vicious, why did you set them free? And if they were men of probity, why are they not to be incorporated in our tribes? You have hitherto admitted to be citizens all such persons of the neighbouring nations as the love of your laws have drawn to your city. And have you inquired whether their birth was not blemished by the slavery of their fathers? Why then are you influenced, to the disadvantage of your slaves, by such reflections as have no weight with you against fugitives who are utter strangers? In short, if we must complete the peopling of Rome, let us fill it with such as have for the most part breathed its air from their infancy, such as education has already made entirely Roman, and whose probity has shewn them worthy of recovering their liberty. The public interest invites you to this, and it is the private interest of every noble family, that it should be done. The more of your freedmen you see made citizens of Rome, the greater credit and influence will you have in our comitia. Gratitude will not suffer them to refuse you their suffrages; and your authority will increase in proportion to the number of your new clients." This discourse entirely appeased the senators; and they passed his institution into a law, which subsisted ever after.

§. VI. WHEN Servius had thus established order among the people, and encouraged slaves to virtue, he came

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D. Hal.
b. 4. p.
228, 229.

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at last, from a love of the public good, to reform the regal power. His predecessors had reserved to themselves the cognizance of all causes, both public and private. It is true, the senate and people decided in public affairs by their votes, but it was the king's business to draw up in form and report the matters that were to be laid before them : so that, in reality, the whole weight of the government lay upon the king ; and he, finding the duties of his office too much for one man to discharge as he ought, transferred to other judges, chosen out of the senate, the care of hearing and deciding all private causes, excepting state crimes ; but he prescribed to these judges certain rules and laws by which they were to proceed.

P. 230. All these regulations at home being finished, Servius Tullius then turned his thoughts abroad ; and he laid a scheme for securing more effectually the friendship and fidelity of the Latins and Sabines, by such social ties as should be strengthened by religion. He summoned the several cities of Latium and Sabinia to send their deputies to Rome. When they were come, he proposed to them to build a temple to Diana, at which the Latins and Sabines should meet every year, and join with the Romans, in offering sacrifices to the goddess ; that this festival should be followed by a council, at which all disputes, which had happened between the cities, should be amicably determined ; that there, proper measures should be taken to pursue their common interests ; and lastly, that, in order to draw the common people thither, a fair should be kept, at which every one might furnish himself with what he wanted. To this proposal the deputies readily consented, leaving to the king to choose a proper place where to erect the sanctuary. Servius chose the hill Aventinus ; the temple was finished, and assemblies were annually held in it. The treaty of alliance with the Latins, the laws ordained to be observed in those assemblies, as likewise their decrees,

Livy,
b. 1.
c. 43.

were engraved on a pillar ; which, in Augustus's time, were still to be seen in the temple of Diana.

§. VII. To complete his work of making the Roman people entirely free, this republican king is said to have come to a resolution in the latter part of his life, to abdicate the throne, and reduce the government to a democracy. But whatever scheme he might have of this kind, it was frustrated by the ambition and violence of Tarquin, the elder of his sons-in-law, afterward surnamed the Proud. Tarquin's wife endeavoured, by all the ways of sweetness and insinuation, to moderate and soften the haughty fierceness of her husband, and to divert him from all criminal enterprises ; while her younger sister, a very fury of a woman, was ever urging the quiet, the good-natured Arunx to the most villanous attempts, in order to reach the throne. She loudly lamented her fate in being tied to such an indolent and dronish husband. Similitude of temper and manners, formed, by degrees, a great intimacy between her and Tarquin. At length she proposed to him nothing less than the murdering her father, sister, and husband, that they two might meet and ascend the throne together ; and their conversation on this head ended in their anticipating the pleasures of an incestuous marriage. Shortly after they contrived the poisoning, he of his wife, she of her husband ; and then impudently asked the king's and queen's consent to their marriage. Servius and Tarquinia, though they did not give it, were silent, through too much indulgence for a daughter, in whom now was their only hope of posterity. These criminal nuptials were followed by intrigues against the king. The patricians, apprehensive of the king's designs in favour of the people, were many of them easily brought over to favour the pretensions of Tarquin ; and, by the help of money, he gained also great numbers of the poorer citizens to his interest. Servius, being informed of what was doing, had frequent conferences in private with his

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D. Hal.
b. 4.
p. 243.
Livy,
c. 48.

D. Hal.
p. 232.

Livy,
c. 46.

D. Hal.
b. 4.
p. 235.

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et seq.

son-in-law and daughter, to persuade them by reason to desist from such proceedings, and to wait for the kingdom till his death: but Tarquin and Tullia loved violent measures, and to make a noise; they despised the counsels of the king, and resolved to lay their pretensions before the senate; so that the affair came to a formal process; and Servius was obliged to summon the senate to hear it. Tarquin reproached his father-in-law, that he had placed himself upon the throne, without suffering a previous interregnum; that he had bought the votes of the people, and had despised the suffrages of the senate. He then urged his own right of inheritance to the kingdom, and the injustice of Servius (who was only his tutor) in keeping possession of it, when he himself was of an age to govern. To this Servius answered, that he had not been intrusted with the regal authority under an obligation to preserve it for his pupils, but to secure their lives against the sons of Ancus; who, if there could be a hereditary right to the sceptre, had a much better one than the grandsons of the late king, who must himself have been a usurper. "Take your choice (said he), either to lay aside all hopes of reigning till after I am dead, or to submit from this instant to obey the murderers of your grandfather. But I am surprised, that there should be any among you, fathers, who would join with this man in endeavouring to dethrone me. What injustice have I done you? Is there any violence, any oppression, any one tyrannical act, you can accuse me of? No. But, perhaps, I am too proud and arrogant. Which of your former kings ever shewed that moderation in the exercise of power, which I have done? Have I not treated the citizens as a tender father his children? Have I not relinquished some part of the regal authority to you, and remitted all private causes to your cognizance and judgment? You have nothing to accuse me of but my kindness to the people. This is my only crime, and with regard to this I

have often justified myself to you. But it is needless to mention these things at present. If this Tarquin seems to you better qualified to govern, I will not envy the state a better prince than I am. I received the kingdom from the people; to them I will restore it; and will endeavour to shew, when reduced to the condition of a private man, that, as I knew how to govern, I know how to obey.”

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When Servius had thus spoken, he immediately dismissed the senate, and appointed an assembly of the people, which was proclaimed by heralds all over the city. The Roman forum was soon filled with auditors, and the king harangued them in such a manner as gained all their affections. He began with an account of his exploits in war: he gave them the particulars of the battles he had fought, the victories he had won, and the triumphs he had obtained. And then passed on to the wholesome institutions of which he had been the author. The people repeated their applauses upon the mention of every action of Servius, and were a great while in suspense, not knowing to what this long preamble tended: till, after an exact enumeration of all the benefits for which the public was indebted to his government, he fell at last upon Tarquin. “A new competitor for the throne offers himself to you, and comes to dispute with me the remains of a reign which I have dedicated to the happiness of the public. He pretends that his dying grandfather bequeathed the kingdom to him, and that you had no right to dispose of the property of another. Can you hear this without indignation? Will you suffer your rights to be called in question? As for me, if the hardships of a tyrannical administration have made you weary of me, or if the virtues of Tarquin have made him more worthy to reign, I consent that you resume the sceptre which I received from you: but I do not think myself at liberty to resign it into any hands but your’s; and to you, therefore, I restore it.” As he

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ended these words, he would have immediately left the tribunal, but the people stopped him: they all cried out to him not to yield the throne to another. And amidst their confused noises, these words were likewise heard, "Let Tarquin perish, let him die, let us kill him!" This language terrified the proud prince, and he retired to his house in great haste: whilst the king was conducted back to his palace with the acclamations of the people.

§. VIII. AND now Tarquin, finding the ill success of violent measures, acted a new part. By caresses and submissions he entirely regained the king's favour, and lulled him into an agreeable security. Tranquillity seemed for some time to be re-established in the royal family; but it was not long before the cruel Tullia put an end to it. To reflect that Tanaquil, a foreigner, had made two kings of Rome successively, and that she herself a king's daughter, was not able to make one, were such afflicting thoughts as would allow her no repose. She fancied her husband grown stupid and insensible, she upbraided him with cowardice, and incited him to act every crime which could serve ambition. "I thought to have found in thee a man of spirit, a true Tarquin, one who would rather have than hope for a kingdom. If thou art the man whom I thought I married, I must call thee king as well as husband. Rouse thyself. Thou hast no need like thy grandfather to come from Corinth or Tarquinii to seek a kingdom. Thy household gods, the gods of thy country, the royal palace, the regal throne in that palace, the name of Tarquin, create and call thee king. But if thou art unmoved by all this, why dost thou deceive the expectations of the people? Why dost thou suffer them to regard thee as a man of a princely soul? Go, coward, get thee hence to Tarquinii or Corinth; thou hast more in thee of thy brother, than of thy grandfather."

Livy,
b. I.
c. 47.

Tarquin, incited by these reproaches of his wife, re-

newed his intrigues among the senators. He went from house to house, to beg votes, and made his own house a rendezvous of pleasure for the young patricians. Having formed his party, he chose the time of harvest (when most of the principal citizens were in the country) to put in practice a stratagem which surprised the people by its novelty, and succeeded by the boldness of its execution. Clothed in royal robes, preceded by some of his domestics, bearing fasces, and followed by a great number of his party, who had swords under their robes; he crossed the Roman forum, and came to the gate of the temple where the senators were wont to assemble. From thence he sent expresses to them all, commanding them, in King Tarquin's name, to repair immediately thither. He then advanced with a grave pace, and seated himself on the royal throne. Those of the senators who were of his faction he found already in their places, having given them private notice to be there early; and he now exhorted them resolutely to pursue the intention of their meeting. In the mean time, the rest of the senators made all the haste they could to the place to which they were summoned. The greater part of them thought Servius dead, since Tarquin assumed the title and the functions of king; and no one durst keep away from the assembly, for fear his absence, in the beginning of a reign, should be made a crime. When the senators were got together, Tarquin repeated the invectives they had so often heard him utter against his father-in-law: "That being a slave and the son of a slave, he had, after the cruel murder of Tarquin the late king, possessed himself of the kingdom, not by the free voices of the people, or the approbation of the senate; but by the mere artifice of a woman. That thus born, and thus created king, he had ever been a favourer of mean wretches like himself, and, out of hatred to the patricians, for their noble birth, had stripped them of their estates to give them to the vilest

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king.D. Hal.
p. 241.Livy.
b. 1.
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king.

of the people; that the burdens which were before common to all, he had heaped on the nobles alone; and had instituted the census for no other reason, but that the fortunes of the rich might be more visible to the eye of envy, and that he might have them ready to bestow on beggars whenever he pleased."

While he was yet speaking, Servius Tullius appeared. He had been informed of the part his son-in-law was acting in the senate, and immediately hasted thither with but few attendants, and with more boldness than discretion. As soon as he beheld Tarquin on the throne, he
C. 48. cried out at a distance, and with a loud voice, "What is it, thou most flagitious of men, that has made thee thus audacious to convene the senate, and take possession of my throne, while I am alive?"—"It is thy impudence, Servius (replied Tarquin), it is thy iniquity. I fill the place of my grandfather, which thy vileness was not ashamed to usurp. Is a king's grandson or his slave the more worthy to inherit his kingdom? A slave that has been too long suffered licentiously to insult his masters?" These words threw the old king into a transport of passion, which made him rashly give way to the motions of his courage, without considering his strength. He drew near the throne to pull Tarquin down from it. This raised a great shout in the assembly, and the people crowded into the temple; but nobody ventured to part the two rivals. Tarquin, who was now under a necessity of coming to extremities, being more strong and vigorous, seized the old man by the waist, and hurrying him through the temple, threw him down from the top of the steps into the forum. The king, grievously hurt and covered with blood, raised himself up with some difficulty, but all his friends had deserted him; only two or three of the people, touched with compassion, lent him their arms to lead him to his palace. As they were slowly trailing him along, the cruel Tullia appeared in the forum. She had come hastily in her chariot, upon

the report she had heard of what passed in the senate. She found her husband on the top of the steps of the temple, and being transported with joy, was the first who saluted him king; and her example was immediately followed by the senators of Tarquin's party. She then took her husband aside, and suggested to him the thought of not leaving his work imperfect; upon which he instantly dispatched some of his domestics, to overtake the old king, and deprive him of the small remains of life.

Year of
R O M E
219.

Servius
Tullius,
sixth
king.

Tullia having heard the orders given for the parricide, ^{p. 242.} mounted her chariot again with an air of triumph to return home. The way to her house was through a narrow street called Vicus Cyprius,* or the good street. Extended across it lay the king's body, which was still panting. The charioteer perceived it, and being struck with horror, checked his horses and made a stop. "Why don't you go on? (cried Tullia to him.) What is it that stops you?" The charioteer turned about to her, "Alas! (said he) it is the body of the king your father." At these words Tullia catching up a stool which was in the chariot, and throwing it at his head, "Go on, villain (she cried), are you afraid of driving over a dead corpse?" The charioteer obeyed; and the blood of the father is said to have dyed the chariot-wheels, and even the clothes of the inhuman daughter. And from hence the street was called ever after Vicus Sceleratus, the wicked street.

Such was the deplorable end of Servius, a prince of so excellent a conduct, says Livy, that even a good successor, a reasonable king, would have found it difficult to emulate him. He subdued all the enemies of Rome, and never made it his business to create her new ones. He did not conquer merely for the sake of glory; he rated the value of his conquests only by their tendency to the public good. One triumph did not beget the

Livy,
b. 1.
c. 48.

* The word cyprius, according to Varro, signified in the old language of the Sabines, who had inhabited this quarter, good or happy.

Year of
R O M E
219.

Servius
Tullius,
sixth
king.

D. Hal.
p. 243.

ambition of obtaining another. He made Rome more formidable, by twenty years of peace, than his predecessors had done by many victories, and the sacking of a hundred cities. He introduced order in the militia and public revenues; he rectified the confusion of the assemblies of the people; he extended the jurisdiction of the senate, and yet kept its authority within due bounds. He distinguished the rich, only to make them bear the heaviest burdens; and he eased the poor, that he might keep them contented, and without murmuring, in their inferiority. In a word, he was beloved by the people, esteemed by the patricians, and perhaps would have had no enemies if he could have preserved the affections of his own family. He died at seventy-four years of age, after he had reigned forty-four. Tarquin refusing to suffer the usual obsequies to be performed for him, lest it might occasion a dangerous commotion among the people, Tarquinia conveyed the body of her husband privately by night to his tomb; and the night following she died herself; but whether of grief, or by her own hands, or by the wickedness of Tullia, is uncertain. The veneration the people had for the memory of Servius seems to have placed him among the gods. The slaves annually celebrated his festival in the temple of Diana Aventina, on the day he lost his life.

CHAP. VIII.

TARQUINIUS SUPERBUS.

SECT. I. The Tyranny of Tarquin, who gets the surname of the Proud. His haughty treatment of the Latin deputies, and treacherous contrivance to destroy Turnus Herdonius. **II.** The Latin association, and the institution of the *Feræ Latinæ*. *Feræ* Tarquin assisted by the Latins defeats the Volsci and subdues the Sabines. He finishes the common sewers and Circus Maximus at Rome. **III.** His war with the people of Gabii, and the cruel stratagem whereby he becomes a master of that city. **IV.** The adventure of the woman with the Sybil's books. The rise of the written civil law. Tarquin builds the temple of Jupiter Capitolinus. **V.** He sends two of his sons with Brutus to consult the oracle at Delphos. **VI.** The rape of Lucretia. The Tarquins are banished, and a commonwealth established at Rome, under two consuls, to be annually chosen.

Sybil's
books.
Lucretia.
Consuls.
243.

OF the seven kings, who successively governed Rome, only the four first seem to have ascended the throne by the people's free choice, according to the original constitution of the state. The elder Tarquin (distinguished after this time by the surname of Priscus) had indeed the voices both of the *curiæ* and of the senate for his elevation ;* but, as he bought these voices, he in reality bought the kingdom : his successor Servius Tullius (though his merit entitled him to it) may be said to have artfully stolen it : and as for the present Tarquin, the last of the Roman kings, he seized upon it as his property, his undoubted right by inheritance. He who had so often reproached his predecessor with usurpation, for his want of a legal election to the government, disdained any other title to it himself, but that of hereditary right, or possession acquired by regicide.

Year of
R O M E
220.

Tarquin
II. se-
venth
king.

The whole series of this prince's reign was suitable to the manner of his accession to the throne. Scarce had he seated himself there, when, for his capricious humour and arrogant behaviour, he got the surname of the Proud. He communicated no affairs of state either to senate or people. Having made sure of a sufficient number of soldiers, partly strangers, to guard his person and to execute his pleasure, all his proceedings were by acts of power ; and how grievous soever was the oppression, the oppressed were denied the privilege of complaining.

* D. Hal.
b. 4. p.
244. et
seq.
Livy,
b. 1.
c. 49.

Year of
R O M E
210.

Tarquin
II. se-
venth
king.

D. Hal.
p. 264.

P. 245,
246.

Informers were dispersed throughout the city ; the king was the sole judge of the accused ; wealth and merit became unpardonable crimes. Of this latter the tyrant gave a remarkable proof in the murder of M. Junius, a venerable old man, the father of the famous L. Junius Brutus, who afterward destroyed the regal power. This M. Junius was descended of a noble family, and had an ample patrimony, upon which considerations the first Tarquin had given him his youngest daughter in marriage. The new king, to get possession of his estate, caused both him and his other son to be assassinated, and Brutus escaped only by counterfeiting stupidity. In short, Tarquin carried his tyranny to such excess, that the flower of the senate went into a voluntary banishment, to avoid the effects of his cruelty and avarice. The people, who had rejoiced at first to see the senate humbled, were now in their turn as ill-treated as the patricians, and all the laws made in their favour were annulled. The poor were constrained to pay the same taxes as the rich. No census, no lustrum, no division of the citizens into classes and centuries. All assemblies of the people, even for diversion and recreation, were prohibited, both in town and country.

But now Tarquin, being sensible that all the orders of men in a state could not be long under oppression, without uniting against the oppressor, turned his thoughts to gain foreigners to his interest. And to this end he married his daughter to Octavius Mamilius, a man of bravery and experience in war, and of the most considerable interest of any among the Latins. Mamilius procured his father-in-law many friends of the chief persons of Latium ; but Tarquin had like to have lost them again by his haughty behaviour. He had desired the Latins to convene a national council at Ferentinum, where he would meet them on a day appointed by himself. The deputies came and took their places in the sacred grove of the temple of Flora. There they waited

many hours, but Tarquin did not appear. The assembly grew impatient, and Turnus Herdonius, an enterprising eloquent man, who hated Tarquin, and was jealous of Mamilius, laid hold of this occasion to inveigh against the king. "I am not at all surprised (said he) that Rome has given Tarquin the surname of the Proud. What can be a greater instance of pride than thus to trifle with the whole Latin nation; to summon hither the Latin chiefs to meet him, and not to appear himself? Doubtless he means to put our patience to the test, and to judge by our manner of bearing his insults, how far he may oppress us when he has brought us under his yoke. If my advice may have any weight with you, let us return home, and take no more notice of the assembly-day than he who appointed it." But Mamilius rose up and excused his father-in-law, by imputing his absence to some unforeseen and urgent affairs which hindered his coming, and he prevailed to have the council adjourned to the next day.^p Then Tarquin appeared, and being put in mind by those who were near him to make some excuse to the Latins for having disappointed them the day before, "I was engaged (said he very coldly) in making up a difference between a father and his son."—"Of all differences (briskly answered Herdonius), there is none requires so little time and so few words to compose it. There needs only to tell the son, that if he do not obey his father, some dreadful mischief will befall him." This beginning did not please Tarquin, but he concealed his resentment for the present, and proceeded to tell the assembly, that his design in calling them together, was to claim his right of commanding the Latin armies, a right which he derived by inheritance from his grandfather; but which he desired might be confirmed to him by them. These words were scarce ended, when Herdonius stepping forth into the midst of the assembly, with great warmth renewed

Year of.
R O M E.

Tarquin
II. se-
venth
king.

Livy, b.
1. c. 50.

c. 50.

^p Livy says, b. 1. c. 50. that the assembly was formed early in the morning, and that Tarquin arrived the evening of the same day.

Year of
ROME.

Tarquin
II. se-
venth
king.
D. Hal.
p. 248.

his invectives against the king, and opposed his demand.

“What! (said he) does Tarquin the Proud pretend to an hereditary right to govern us? Needs there any stronger proof, than such a claim, of the injustice and wickedness of him who makes it? Was it then a condition in the treaties we made with his grandfather, that we should be subject to his posterity? Was this the meaning of the voluntary and temporary concession we made to him? Tarquin employs the same pretence of hereditary right against us, which he has improved to the ruin of Rome. Latins! if you hearken to him, your slavery is as certain as that of the Romans. And will it be less severe? His own subjects have been some of them murdered by him, others banished their country, others stripped of their estates; the very best among the Romans have been thus treated, and all in general are deprived of liberty. Will strangers find Tarquin a less cruel and less covetous master? Judge of the fate you are to expect by that of Rome.”

Tarquin was disconcerted by the boldness of this orator, and desired that the assembly might sit again the following day, when he promised to give an answer to the invectives of Herdonius. In the mean time, he corrupted some of Herdonius's domestics, and engaged them to hide a great quantity of arms in their master's baggage. The next morning, entering the assembly with an air of confidence, he told them that one word was sufficient to destroy all the calumnies of Herdonius. “In reality (he added), my accuser has himself acquitted me. Were I such a person as he represents me, would he have sought an alliance with me? He earnestly solicited me to give him my daughter in marriage; but for good reasons I refused to accept him for a son-in-law; and here is the source of his malice. But this is no time to enter farther into my justification. Your own interests, your own safety, your liberties and lives, demand at present all your attention.” He then accused his adver-

Livy,
c. 51.

sary of having laid a plot to cut off all the deputies there present, and to usurp a tyranny over the Latin cities ; and, as a proof of this he informed them of the arms in Herdonius's baggage. An accusation of such importance threw all the assembly into a fright, except the accused, who knowing nothing of those arms, and believing that his innocence would quickly appear, desired his baggage might be searched ; declaring, at the same time, his consent to be judged guilty, if the fact, alleged in evidence of the crime, proved true : accordingly an examination was made ; and the arms being found and brought into the assembly, it put the deputies into such a rage, that, without suffering Herdonius to make his defence, they immediately sentenced him to be thrown into a basin at the head of the spring of Ferentinum ; where a hurdle being laid upon him, and stones heaped upon the hurdle, he was pressed down into the water and drowned.

Year of
R O M E.

Tarquin
II. se-
venth
king.

§. II. BUT the death of an enemy was not the only advantage Tarquin drew from this monstrous treachery : the Latins looked upon him as their deliverer, renewed the treaty made with his grandfather, and declared the king of Rome general of the Latin armies. And, soon after this, the Hernici, and two cantons of the Volsci, entered into a league with him upon the same terms. In order to keep these confederates firm to their engagements, Tarquin, with their approbation, erected a new temple in the midst of them to Jupiter Latialis. It stood on a hill near the ruins of Alba. There the diets of the united cantons were annually to assemble ; and it was agreed that the several nations in league should upon no pretence do any act of hostility against each other during that time : but should there jointly offer sacrifices to Jupiter, and feast together in token of union. These assemblies were called Latia ; and the day appointed for their annual meeting, which was the 27th of April, was called *Feria Latinae*. The Romans, as

D. Hal.
b. 4. p.
250.

Year of
R O M E.

Tarquin
II. se-
venth
king.

the chief members of the alliance, always presided at the sacrifices and deliberations. The diet consisted of forty-seven deputies, from so many cities, forming that Latin association, which in aftertimes was the best part of the Roman strength, and contributed more than all the rest of Italy to the conquest of the world.

Year of
R O M E
224.

Tarquin, thus strengthened and supported, resolved to make war upon those of the Volsci, who had refused to enter into alliance with him. But he did not raise his army upon the foot of Servius's division of the Roman soldiers by centuries, nor were the allies any longer a separate corps. Not having sufficient confidence in the fidelity of his Romans, he chose only a small number of them, such as he could most depend on, and blended them with the Latins in the same legions. The inhabitants of Suessa Pometia, one of the most flourishing cities of the Volsci, having committed some depredations on the Latins, Tarquin laid hold of this pretence to begin the war. He defeated their army, took their city by storm, and gave the plunder of it as free booty to the soldiers, reserving only the tenth part of the spoil towards the expense of finishing the temple of Jupiter Capitolinus.

P. 251,
252.

Fast.
Cap.

He then turned his arms against the Sabines, who had divided all their forces into two bodies, and posted them, one near Eretum, the other near Fidenæ. By his masterly conduct, he entirely defeated both armies, and made the whole Sabine nation tributary. And it is probable, that the king at this time decreed himself two triumphs, one for his victory over the Volsci, the other for having subdued the Sabines.

Year of
R O M E
230.

Upon his return to Rome, he set the people at work to finish the common-sewers, and the great circus. He thought an idle populace, who did not love their prince, dangerous. The artificers were likewise taken out of their shops, and obliged to painful drudgeries, with short allowance: but by these vexatious methods, he brought

to perfection those two structures which his grandfather had begun.

Year of
R O M E
235 to
241.

§. III. IN the meanwhile, a great number of discontented patricians, who fled from their own city, took refuge at Gabii, a city of Latium, about 100 furlongs from Rome, in the way to Præneste ; and the inhabitants being touched with compassion to see so many considerable persons under persecution, resolved to make themselves parties in the quarrel, and begin a war with the king of Rome. Tarquin was informed of their preparations to take the field, and, suspecting against whom they were designed, raised a prodigious bulwark (much boasted of in after ages) to cover the city on the side of Gabii. This war between the Romans and the Gabini lasted seven years, with various success ; and the inroads and devastations made on both sides, being a hinderance to all sowing and reaping, produced at length a scarcity of corn. It was chiefly felt at Rome, where complaints were made by the people, that they suffered, not by any hatred of their neighbours to them, but to the king ; and they demanded either a peace or provisions ; and these discontents were fomented by emissaries from the exiles at Gabii. Tarquin being much perplexed by the people's clamours, which tended to a general sedition, his son Sextus Tarquinius proposed, and in concert with him put in practice, an expedient equally artful and dishonourable for reducing Gabii. He pretended to be upon very ill terms with his father, and openly inveighed against him as a tyrant, who had no compassion even for his own children ; upon which the king caused him to be beaten publicly in the forum, as a rebel. This discontent of the son, and barbarity of the father, were reported at Gabii by trusty persons sent thither on purpose, who, by artful management, made the Gabini very desirous to have Sextus among them. Accordingly, a secret negotiation was set on foot for that end, and Sextus was at length prevailed with to accept the invitation.

Tarquin
II. se-
venth
king.
P. 253.

P. 254.

Livy,
b. 1.
c. 53.

Year of
ROME.

Tarquin
II. es-
venth
king.

D. Hal.
p. 254.
Livy,
c. 54.

D. Hal.
p. 255.

P. 256.

of the Gabini, they giving him their solemn promise never to deliver him up to his father, on any pretence whatsoever.

When he was come to Gabii, his whole talk, both in public and private, turned upon the tyranny of the king of Rome; and he suited his actions to his discourse. No enemy of Rome was more active and enterprising. He frequently made inroads on the Roman lands, and came back loaded with spoil; his father contriving to gain him honour, by always sending against him weak parties, which must infallibly be worsted. By this means, Sextus came at length to such a high degree of credit among the Gabini, that he was chosen general of their army, and was as much master in Gabii, as Tarquin was in Rome. And now finding his authority sufficiently established, he dispatched a slave to his father, to inquire what he should do. The king, unwilling to send an answer either in writing, or by word of mouth, took the slave into a garden, and there (in imitation of Thrasybulus the Milesian) struck off the heads of all the tallest poppies. This done, he sent back the messenger. Sextus understood the hint, assembled the Gabini, and pretended to have discovered a plot to deliver him up to his father. The people in a rage pressed him to declare the conspirators, and with much difficulty he suffered them, as it were, to extort from him the name of Antistius Petro, a man whose merit had made him the most considerable person in his country. Antistius despised the accusation; but Sextus had bribed his servants (in the same manner as Tarquin had formerly done those of Herdonius) to convey among his papers some letters from the king of Rome; which being produced and read, the populace, without farther examination, immediately stoned him; and to Sextus was committed the care of discovering his accomplices, and appointing their punishment. Upon this he ordered the city-gates to

Year of
R O M E.Tarquin
II. se-
venth
king.

be shut, and sent officers into every quarter of it, to cut off the heads of all the eminent men, and flower of the nobility, without mercy. And in the midst of the desolation and confusion caused by this dreadful massacre, he opened the gates to his father, to whom he had given timely notice of his design; and Tarquin entered the city with all the pride of a conqueror.

The Gabini no sooner saw themselves thus totally at the mercy of the tyrant, but they fell into the lowest depths of despair, and there was no evil which they did not expect to suffer. However, their misfortunes were not so great as their fears. Tarquin upon this occasion consulted good policy more than his revenge. Not one of the citizens was put to death by his orders. He granted them life, liberty, and estates, and even entered into a treaty with the city; the articles of which, when it was ratified, were written on a shield made of the hide of an ox, sacrificed on that occasion. This treaty was yet to be seen at Rome in Augustus's time, in the temple of Jupiter Fidius. P. 237.

It was one part of Tarquin's refined politics to keep his sons at a distance from him. He left Sextus, therefore, in Gabii, and made him king of the place. His two other sons, Titus and Arunx, he sent away under pretence of making them the founders of two colonies: P. 260. The first was to build a city at Signia, and the other at Circæum, a promontory on the shore of the Tyrrhene-sea, and both of these to keep the Volsci in awe.

¶ It is proper to declare, in the beginning of this history, on what occasions the Romans sent out colonies, and what privileges those colonies enjoyed. The Romans never sent out their citizens to found colonies, but either to enlarge their limits, or to curb some nations who were yet unsubdued, or to ease their city of too great a number of inhabitants, or to get rid of a multitude who were inclined to sedition, or to reward the old soldiers of the Roman legions. Before these colonies set out from Rome, a certain quantity of land was assigned them, in the place where they were to settle, which was to be their own property. And the number of families sent from Rome was proportioned to the quantity of ground which was to be given them. The persons so transplanted were generally such as had neither land nor houses, either in city or country. They marched to the place of their new habitation in order of battle. There they either built them a city themselves, or took possession of one already built, which was left empty for them. Here they lived agreeably to the Roman laws, but immediately lost the right of suffrage they had had in the comitia, nor could they stand for any office in the commonwealth, unless they were again made citizens of Rome. C. & R.

Year of
ROME.

Tarquin
II. 35-
venth
king.
D. Hal.
b. 4.
p. 259.

§. IV. TARQUIN now enjoyed a profound peace at Rome; the Romans were become accustomed to the yoke of an imperious master; and the weight of oppression made them silent. It was at this time that an unknown woman appeared at court, loaded with nine volumes, which she offered to sell, but at a very considerable price. Tarquin refusing to give it, she withdrew and burnt three of the nine. Some time after she returned to court, and demanded the same price for the remaining six. This made her looked upon as a mad woman, and she was driven away with scorn. Nevertheless, having burnt the half of what were left, she came a third time, and demanded, for the remaining three, the same price which she had asked for the whole nine. The novelty of such a proceeding made Tarquin curious to have the books examined. They were put therefore into the hands of the augurs, who finding them to be the oracles of the sybil of Cumæ, declared them to be an invaluable treasure. Upon this the woman was paid the sum she demanded, and she soon after disappeared, having first exhorted the Romans to preserve her books with care. They soon began to be religiously respected at Rome. Tarquin appointed two persons of distinction to be guardians of them.^r These were styled *duumviri*. When the temple of Jupiter Capitolinus was built, the books were locked up there in a vault, and were afterward burnt with the temple itself.

P. 260.

It was also in this Tarquin's time, that the written civil law had its rise among the Romans. One Papi-

^r These officers were afterward increased to ten (*decemviri*), and then to fifteen (*quindecimviri*). It was their business to consult the sybilline books, whenever the senate thought it proper: but recourse was had to them, in time only of public distress; as when a dangerous sedition threatened the state, when the Roman armies had been defeated, or when any of those prodigies appeared, which were thought fatal to Rome; as for instance, an eruption of the fire of Vesuvius or *Ætna*, or some monstrous birth of man or beast. Then the *duumviri* had the care of putting in execution whatever they thought commanded by the books of the sybils. They presided over the sacrifices and public sports, which they appointed to appease the wrath of Heaven. And lastly, they ordered every thing that related to the *ludi seculares*. Their office was for life, and they were exempted from taxes, as well as from civil and military employments. This sort of magistracy continued at Rome till the time of Theodosius, when it was abolished with the rest of the Roman institutions. C. & R.

rius, a senator, collected all the laws made by the kings into one body, which was called the Papirian law.*

Year of
ROME.

Rome continuing in peace, Tarquin laid hold of the opportunity to carry on the magnificent work his grandfather had begun, the temple of the capitol.[†] The money necessary for it had been laid by ever since the taking of Suessa Pometia. He hired architects and skilful workmen from Hetruria; and as to the laborious part, he made his subjects the drudges, as he had often done before; but as this was a religious undertaking, they assisted in carrying it on with more cheerfulness than usual.

Tarquin
II. se-
venth
king.
P. 257.
et seq.

§. v. WHILE Tarquin and the Romans were thus employed, a dreadful plague raged in Rome; and this, with some other extraordinary events, made such an impression upon his mind, that he resolved to send his sons Titus and Arunx to consult the oracle of Delphi upon the cause and cure of the contagion. The princes

P. 264.

Livy,
b. 1.
c. 56.

* Some pretend, that Papirius's work did not continue long in use, since the laws of the kings did not survive Tarquin the Proud, but were abolished with the regal power. But this opinion ought to be confined within just bounds. It is true, the laws that favoured the monarchic state were abolished after the revolution, which changed the government of Rome into a republic. But the laws which related to good polity in general, such as those of Servius Tullius concerning commerce, contracts, the census, and the lustra, always continued in force. It may likewise be affirmed, that the laws of Romulus, Numa, and other kings, were still respected, and ever continued to be, as it were, the ground-work of the Roman law. C. & R.

† The temple of Jupiter Capitolinus was situated on the top of the hill Tarpeius, which had been long since made a part of Rome. The original of the new name of Capitol, given to this hill, is by historians said to be this. As the workmen were digging the foundations, or levelling the area of the temple of Jupiter, they are said to have found, very deep in the earth, the head of a man, whose features were preserved entire, and the blood of it was red as if but newly shed. This the Romans looked on as a prodigy, and the Hetrurian diviners being consulted upon it, declared it to presage, that Rome would some time or other become the mistress and head of Italy. The prodigy and the answer of the augurs therefore encouraged Tarquin to spare neither pains nor cost, in the raising a structure to the honour of those gods, who were the authors of so glorious a destiny. Accordingly, the foundations of it were marked out, and the temple was built of almost a square form; for it was but fifteen feet longer than it was broad. It is reckoned to have been 200 feet broad, and about 215 feet long. The front of this great building was to the south, that is, it faced the hill Palatinus and Forum Romanum. 100 steps led up to it from the Forum, which were divided at certain distances, by large half-paces, or landing-places, to give those who went up time to breathe, before they came to the top of the hill, and the foot of the portico. This front consisted of three rows of pillars: and the two sides of the temple were adorned with a peristyle, consisting of a double row of pillars. It was in after-ages burnt down more than once; and the Romans always rebuilt it, still preserving the same proportions: till at last, the embellishments that were added to it made it one of the richest sanctuaries in the world. The whole arch of this prodigious building was gilt both within and without. It contained three chapels, one dedicated to Jupiter, another to Juno, and the third to Minerva, or was rather three temples under the same roof. D. H. b. 4. p. 258, 259. C. & R.

Year of
R O M E.

Tarquin
II. se-
venth
king.

Livy,
ibid.
D. Hal.
p. 265.
Year of
R O M E
243.

prepared magnificent presents for Apollo ; and Junius Brutus (the counterfeit idiot), being to attend them for their amusement in the journey, resolved to carry his offering too. The present he chose for the god was an elder stick, and this was matter of diversion to the whole court. However, as he knew that the gods of those times, or their ministers, were much affected with valuable offerings, he had the precaution to enclose a rod of gold in his stick, without any body's knowledge. And thus it was a true emblem of his own mind and conduct, who under a contemptible outside concealed the richest gifts of nature. It is probable that the oracle told them, among other things, that there would quickly be a new reign at Rome ; because it is said, that when they had performed their father's commission, they inquired which of them should succeed Tarquin ; and that the god declared, that the government of Rome was destined to him who should first give a kiss to his mother. Upon this, we are told, that the two brothers either drew lots, which of them at their return to Rome should first kiss his mother Tullia, or agreed to do it both together, that they might reign jointly ; but that Brutus, imagining the oracle had another meaning, pretended to fall down by chance and kissed the earth, the common mother of all living. Whether these things be entirely fabulous or not, the revolution, which abolished the regal power, happened soon after their return to Rome. They found the city in a commotion, on account of the war in which the king was engaged with the Rutuli. In hopes of recruiting his exhausted treasury, he had marched his army to Ardea, their capital, about twenty miles from Rome, thinking to take it without opposition : but he found himself obliged to besiege it in form. This put him under a necessity of laying a heavy tax upon the people ; and this tax greatly increased the number of the malcontents, and disposed them to a revolt.

Livy, b.
1. c. 57.

§. VI. THE siege being carried on very slowly, the

general officers had a good deal of leisure for diversions, and they mutually made entertainments for one another in their quarters. One day, when Sextus Tarquinius was entertaining his brothers, their kinsman Collatinus being of the company, the conversation happened to turn upon the merit of wives. Every one extolled the good qualities of his own; but Collatinus affirmed, that his Lucretia excelled all others. It was a kind of quarrel, and in order to end it, they took the method which mirth and wine inspired; which was to mount their horses, go and surprise their wives: and it was agreed, that she whom they found employed in the manner most becoming her sex, should have the preference. Away therefore they galloped first to Rome, where they surprised the king's daughters-in-law all together in the midst of feasting and diversions; and the ladies seemed much disconcerted by the unexpected return of their husbands. From Rome they hasted away to Collatia, the place where Collatinus resided in time of peace. (He was the grandson of Egerius, that nephew of Tarquinius Priscus beforementioned,* to whom that king gave the city and territory of Collatia, in property.) Though the night was far advanced when the princes arrived there, they found Lucretia up, with her maids about her, spinning and working in wool. The company her husband brought her of a sudden did not discompose her; and they were all pleased with the reception she gave them. Sextus was so captivated with her beauty, and so inflamed with passion, which her insuperable modesty made the more violent, that he became exceedingly unwilling to leave the place; but there was an absolute necessity for his appearing at the camp before Ardea. However, he found a pretence to return very soon to Collatia; and went to lodge at his kinsman's house. Lucretia in her husband's absence, entertained him with great civility and respect, and after supper he was con-

* See page 109.

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Tarquin
II. se-
venth
king.
Livy,
b. 1.
c. 58.

ducted to his apartment. When all were asleep he stole into Lucretia's chamber, and coming with his drawn sword to her bed-side, laid his left hand upon her breast and awakened her: "Lucretia," said he, "I am Sextus Tarquinius, if you speak a word you die." Then he declared his passion, and by entreaties mixed with menaces, endeavoured to make her yield to his desires. And when he found that all was in vain, and that even the fear of death could not prevail upon her to consent, he threatened her also with infamy. He told her that he would kill one of her slaves, lay him naked by her when she was dead, and then declare to all the world that he had only revenged the injured honour of Collatinus. The dread of ignominy was too powerful for Lucretia's constancy; Sextus obtained his wishes, and early the next morning appeared again in the camp. Lucretia, though she had escaped what she dreaded as the greatest of evils, yet could not endure the thoughts of life after the violence she had suffered. She dressed herself in mourning, took a poniard under her robe, wrote to her husband at the camp to meet her at her father Lucretius's house, and then mounting her chariot came to Rome.* People were surprised to see her wearing all the marks of the deepest sorrow, and often asked her as she passed along what was the cause of her grief. She answered them only by weeping; and when the same question was put to her at her father's house, she still refused to discover the matter, till there should be a full assembly of her friends and relations, whom she desired might be called together. Upon the first summons great numbers of the nobility crowded to the house, and among the rest P. Valerius (afterward Poplicola) and Lucius Junius, who seems to have waited for this moment to throw off that mask of stupidity, which had got him the surname of Brutus. When the assembly was pretty numerous, she addressed herself to her hus-

D. Hal.
b. 4.
p. 262,
263.

* According to Livy, she sent to desire her father and husband to come to her at her own house, and it was at Collatia that she killed herself.

band Collatinus, disclosed in few words the whole secret, her own shame and his dishonour, and the treacherous author of both : she protested the unspotted innocence of her heart, but at the same time declared her firm resolution not to live, and conjured them not to let the crime of Sextus Tarquinius go unpunished : all who were present gave her, one by one, their solemn promise to revenge the insult she had suffered ; they also endeavoured to comfort her, by telling her, that the body could not sin, and that there could be no guilt, where the mind was unconsenting ; but nothing could divert her from the desperate resolution she had taken : “ No (said she), no woman shall hereafter survive her honour, and say, Lucretia was her example ;” and then, having embraced her father and her husband as one that bids a last farewell, she immediately plunged the concealed dagger into her breast. Her father and husband, starting, cried out as she fell at their feet ; a mixture of compassion and fury seized the whole assembly ; and the blood, which Lucretia shed to attest her innocence, or repair her glory, served likewise to cement the union of those illustrious patriots who gave liberty to Rome. For Brutus going near to the dying lady, drew the poniard out of her bosom, and shewing it all bloody to the assembly, “ Yes (said he), I swear by this blood, which was once so pure, and which nothing but royal villany could have polluted, that I will pursue Lucius Tarquinius the Proud, his wicked wife, and their children, with fire and sword, nor will ever suffer any of that family, or of any other whatsoever, to be king in Rome ; ye gods, I call you to witness this my oath !”—This said, he presented the dagger to Collatinus, Lucretius, Valerius, and the rest of the company, and engaged them to take the same oath. These noble Romans, struck with amazement at the prodigious appearance of wisdom in an idiot, looked on him as inspired, and submitted entirely to his conduct. He then let them know,

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Tarquinius
II. seventh
king.

Livy,
ibid.

D. Hal.
p. 263.

Livy,
b. 1.
c. 59.

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243.

Tarquin
II. se-
venth
king.

that his folly had been only feigned; he exhorted them to defer lamenting the death of Lucretia to another time, to behave themselves now like men and Romans, and think only of revenging it; and he advised them to begin by shutting the gates of Rome, and placing a trusty guard to secure them, that nobody might go out of the city to give notice at the camp of what was doing. This counsel was approved, and, as Lucretius had been left governor of the city by Tarquin, was put in execution without difficulty.

D. Hal.
p. 270.

Livy,
b. 1.
c. 59.

Then Brutus, causing the yet bleeding Lucretia to be carried to the place where the comitia were usually held, and placing the corpse where it might be seen by every body, ordered the people to be called together. By a surprising instance of good fortune, he happened to be legally invested with the power of assembling the comitia; this right was annexed to the office of tribune, or chief commander of the king's horse-guards, which Tarquin had given him, because he thought him incapable of using it to his disadvantage. When the multitude were assembled, the imagined idiot, to their great surprise, addressing himself to them, began with an apology for his presuming to speak in public on so important an occasion; he in few words explained to them all the mystery of his past conduct, and the necessity he had been under, for more than twenty years together, of counterfeiting folly, as the only means to preserve his life, after the murder of his father and elder brother. He then proceeded to tell them the resolution the patricians were come to of deposing the tyrant, and pressed them in the strongest terms to concur in that design. He enumerated the crimes by which Tarquin, in concert with the wicked Tullia, had made his way to the throne. He put them in mind of Arunx Tarquinius (the tyrant's brother) and the elder Tullia, both persons of amiable dispositions, and both treacherously poisoned, he by his wife the present queen,

she by her husband the present king; the criminal nuptials that followed the secret murders, and the horrid tragedy that followed those nuptials; Servius Tullius, the justest, the mildest, the most beneficent of kings, openly assassinated, and the cruel Tullia riding in triumph over the body of her expiring father: "O execrable fact! ye gods, the avengers of injured parents, ye beheld it. But why should I dwell on these crimes committed by the tyrant against his own family and blood? The wrongs he has done his country, his cruelties to every one of you in particular, are insufferable and without end. With what an utter contempt of all our laws did he usurp an elective kingdom? And how has he maintained himself in his illegal power? By murders, by banishments, by the oppression of all his subjects. As for the patricians—you see the condition to which we are reduced;—I shall say nothing of it—our greatest enemies could not behold it without compassion. And as for you, plebeians, what is become of your rights and privileges? Are you ever called together to assist at the sacrifices? to elect your magistrates? or to give your suffrages in public affairs? Have you not been treated as the vilest of slaves? The victorious Romans, victorious over all the nations around them, are condemned at home to undergo the most painful drudgeries, to be hewers of stone, to sweat under heavy burdens, to work in mines, and breathe the unwholesome air of sinks and common-sewers. And are these miseries, these indignities, never to have an end? Or, if you ever propose to assert your freedom, how long will you delay it? You wait, perhaps, for Tarquin's death. But what benefit would accrue to you from that? He has three sons, more wicked, if possible, than himself. By what the eldest of them has just now done, you may judge what is to be expected from such a race. There! Romans, turn your eyes to that sad spectacle—the daughter of Lucretius—Collatinus's wife—she died

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Tarquin
II. se-
venth
king.

Livy,
b. i.
c. 59.
D. Hal.
b. 4.
p. 270.
et seq.

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ROME
243.

Tarquin
II. se-
venth
king.

by her own hand. See there a noble lady, whom the lust of a Tarquin reduced to the necessity of being her own executioner, to attest her innocence. Sextus, hospitably entertained by her, as a kinsman of her husband's—Sextus, perfidious guest, became her brutal ravisher. The chaste, the generous Lucretia could not survive the insult. Glorious woman! Once only treated as a slave, she thought life no longer to be endured. Lucretia, a woman, disdained a life that depended on a tyrant's will; and shall we, shall men with such an example before our eyes, and after five-and-twenty years of ignominious servitude, shall we, through a fear of dying, defer one single instant to assert our liberty? No, Romans, now is the time; the favourable moment, we have so long waited for, is come. Tarquin is absent from Rome: the patricians are at the head of the enterprise: the city is abundantly provided with men, arms, and all things necessary. There is nothing wanting to secure the success, if our own courage does not fail us. And shall those warriors, who have been so brave when foreign enemies were to be subdued, or when conquests were to be made to gratify the ambition and avarice of a tyrant, be then only cowards, when they are to deliver themselves from slavery? Some of you are perhaps intimidated by the army which Tarquin now commands. The soldiers, you imagine, will take the part of their general. Banish so groundless a fear. The love of liberty is natural to all men. Your fellow-citizens in the camp feel the weight of oppression with as quick a sense as you that are in Rome, and will as eagerly seize the occasion of throwing off the yoke. But should we grant there may be some among them, who through baseness of spirit, or a bad education, will be disposed to favour the tyrant, the number of these can be but small, and we have means sufficient in our hands to reduce them to reason. They have left us hostages more dear to them than life. Their wives, their children,

their fathers, their mothers, are here in the city. **Cou-** Year of
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rage, Romans! the gods are for us, those gods whose
temples and altars the impious Tarquin has profaned Tarquin
II. se-
venth
king.
by sacrifices and libations made with polluted hands,
polluted with blood, and with numberless unexpiated
crimes committed against his subjects. O ye gods, who
protected our forefathers, and ye genii, who watch for
the preservation and glory of Rome, do you inspire us
with courage and unanimity in this glorious cause, and
we will to our last breath defend your worship from all
profanation!"

Brutus's harangue was often interrupted by the accla- r. 275.
mations of the people. Some wept at the remembrance
of past sufferings; others out of joy, at the hopes of
a more happy government; and every one called out
for arms. But Brutus did not judge it proper to arm the
people, till they had first confirmed, by their suffrages,
a decree of the senate, which was to this effect: 'it de-
prived Tarquin of all the prerogatives belonging to the
regal authority, condemned him and all his posterity to
perpetual banishment, and devoted to the gods of hell
every Roman who should hereafter by word or deed
endeavour his restoration.' The curiæ being assembled
and the matter proposed, they were all unanimous in
confirming the senate's decree.

And now the government being reduced to an inter- r. 276.
regnum, and the people having declared Spurius Lucre-
tius, the father of Lucretia, interrex,—the great and
important question, the future form of government,
was debated by the leaders in the revolution. And here
again Brutus discovered himself to be a consummate
politician: "Experience (said he) has shewn us in the
examples of Romulus and Numa, and other good kings,
that it is by no means proper that Rome should be
without supreme magistrates, to keep an even balance
of the powers of the senate and people; but it is neces-
sary that the sovereign authority should neither centre

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Tarquin
11. se-
venth
king.

in one man, nor be perpetual; let it be divided between two, who, may jointly make the interests of the public their chief concern; they will be a check upon each other, and have a mutual emulation in the discharge of their duty. However, let us take particular care, not to continue their power too long, lest they abuse it, and become unwilling to part with it. Let us change the very names of king and kingdom, and give the two heads that are to govern us the name of consuls,^y and the Roman state that of republic. Let us abolish the pompous ensigns of regal power, sceptres, crowns, and royal robes;^z let our consuls only sit on an ivory chair, wear a white robe, and be attended by twelve lictors.^a But what am I saying? I am not for utterly abolishing the venerable name of king, which was consecrated by the same auspices as Rome herself at her foundation. Let us give it to that magistrate to whom we commit the superintendency of religion; let his office be for life, and let him be called king of sacred things.^b The

^y Pomponius, the civilian, contends, that the name of consul was taken from the word *consulere*, as signifying, to watch for the public good. Varro derives this name from the same word *consulere*, but in a different signification, namely, as importing to consult, or ask counsel, because the intent of those who first instituted the consuls, was, that they should do nothing but with the advice or counsel of the people and the senate. The law which placed the consuls at the head of the republic, calls them also prætors and judges. We have this law yet remaining, as quoted by Tully in his third book of *Laws*. When it was made in the comitia, which changed the monarchy into a republic, it is said to have run thus: "Regio imperio duo sunt, iique præeundo, judicando, et consulendo, prætores, judices, consules, appellantur. Militiæ summum jus habento. Nemini parento. Ollis salus populi summa lex esto." C. & R.

^z The consuls were only denied the common use of the sceptre, crown, and a habit of distinction. Livy (b. 30.) assures us, that the consuls, on the days of their triumphs, in the public sports, and at solemn sacrifices, wore the crown of gold, the ivory staff or sceptre, and the habit striped with purple, as the kings did. C. & R.

^a We read in the fourth book of Valerius Maximus, that the consuls at first retained as many lictors as the kings, and that they had twenty-four. And he adds, that the consul Poplicola reduced them to twelve. But each consul was not attended with twelve lictors; neither did they divide them so as to have each of them six. They were only guarded by the twelve lictors alternately, each in his month. This we learn from Livy. This ceremonial began with the two first consuls. The consul who was the elder, or had most children, or most suffrages for the consulship, had the lictors the first month. It appears by a line in Virgil's sixth book of the *Æneis*, that Brutus was first attended with the fasces, before his colleague Collatinus:

Consulis imperium hic primus sævasque secures
Accipiet— C. & R.

^b The rex sacrorum, or rex sacrificulus, was a considerable dignity among the Romans, though inferior to that of pontifex maximus. For fear the name of king should make him too proud, they made him but a subordinate officer, even in the affairs of religion. His wife was called queen. This office was never conferred on

whole council approved of this scheme; and the people, being again assembled by curiæ, established the new form of administration by law.

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243.

But to lose no time, and to put the finishing hand to the revolution, the people were once more called together, not by curiæ, but by centuries, and directed to come armed to the Campus Martius, in order to the election of the two first consuls. There Junius Brutus, the warmest and most active of the patriots, and Tarquinius Collatinus, the husband of Lucretia, being proposed to the people by Lucretius the interrex, were unanimously chosen to the new dignity, the Romans believing they could no where find more irreconcilable enemies to the Tarquins. Tullia, now seeing that all was lost, and that she could no longer be safe in Rome, left it, to go to her husband. She was hooted at, and cursed by the populace as she passed through the city, yet they forebore to offer her any violence.

Tarquin
II. se-
venth
king.

In the mean time Tarquin being informed by some who had got out of Rome before the gates were shut, that Brutus was raising commotions to his prejudice, came in all haste to the city, attended only by his sons, and a few friends; but finding the gates shut, the people in arms upon the walls, and that Lucretius refused him entrance, he returned with equal expedition to the camp. There, to his extreme surprise, he found that the conspirators had, during his short absence, gained over the army to them. The consuls not doubting but Tarquin would, upon the first notice of the revolt, hasten to the city, had sent letters to the camp,^c giving an account of the resolutions taken at Rome, and exhorting the troops to shake off the tyrant's yoke.

P. 276.

any, but in the comitia of the people, assembled in the Campus Martius, by centuries. Nor could any but a patrician be chosen for it. The king of the sacrifices was not suffered to intermeddle with state-affairs. Inasmuch that when, in the comitia, the sacrifice over which he presided was ended, he withdrew from the assembly. C. & R.

^c Livy (b. i. c. 50.) says, that Brutus went in person to the camp on this affair, but, to avoid meeting Tarquin, shunned the high road; and that he arrived before Ardea at the same time that Tarquin appeared at the gates of Rome.

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These letters Titus Herminius and Marcus Horatius had read in a full assembly of the soldiers convened by centuries, and the matter being put to the vote, it was unanimously agreed to adhere to the decree passed in the city; so that Tarquin being both driven from his capital, and rejected by his troops, was forced, at the age of seventy-six, to fly for refuge, with his wife and three sons, to Gabii,^d that city of Latium,* of which he had formerly made his son Sextus governor, investing him with a kind of regal power. Here he continued some time; but not finding the Latins forward enough to espouse his cause, he retired into Hetruria, the country of his mother's family, where he hoped to find more friends, and a readier assistance for attempting the recovery of his throne.

P. 277.
b. 5.
p. 279.
+

^d Tarquin's first retreat, according to Livy, (b. 1. c. 60.) was to Cære in Hetruria, whither he was followed by only two of his sons. Sextus (he adds) retiring to Gabii, as his kingdom, was there slain by some of the inhabitants, in revenge of his former treachery and cruelties. Livy also makes Sextus to be the youngest of Tarquin's sons, whereas Dionysius makes him the eldest. The last mentioned author brings Sextus frequently upon the stage after this time; nay, he introduces him fourteen years after the expulsion of his father, at the battle of Regillus, where he is killed. The actions which Dionysius ascribes to Sextus in that battle, the fathers Catron and Rouillé give to a fourth son of Tarquin named Lucius; yet neither Dionysius nor Livy mentions more than three sons of that king. Livy (b. 1. c. 52.) calls Sextus *minimus ex tribus*. D. Hal. (b. 4. p. 273.) makes Brutus say to the people in his speech on the affair of Lucretia, that Tarquin had three sons more wicked than himself; and (b. 5. p. 279.) Tarquin after his banishment wanders from place to place with his three sons. These three sons were Sextus, Titus, and Arunx. If indeed we suppose with Livy, that Sextus was slain by the Gabini, and yet suppose with Dionysius, that Tarquin had two sons living at the battle of Regillus, we must unavoidably allow him to have had, in all, four sons; for it is agreed, that Arunx was killed in his encounter with Brutus in the first battle after the refuge: but it is to be observed, that Dionysius, who makes two of Tarquin's sons to be in the battle of Regillus makes Sextus to be one of the two; and Livy, who supposes Sextus to be slain before this time, speaks but of one son of Tarquin in that battle.

BOOK II.

CHAP. I. 4

FROM THE ESTABLISHMENT OF THE ROMAN COMMON-WEALTH IN THE YEAR OF ROME 244, TO THE RE-BUILDING OF THE CITY IN 365, AFTER THE BURNING OF IT BY THE GAULS. *

SECT. I. The state and condition of Rome on the abolition of the regal power. II. 244.

Tarquin prevails with the magistrates of Tarquinii in Etruria to send an embassy to Rome in his favour, with a letter from him to the Roman people. III. A second embassy from the Tarquiniienses to the Romans. The ambassadors engage some of the young patricians in a plot against the new government. It is discovered by Vindicius a slave. Brutus condemns his own sons to death, and sees the execution. IV. Collatinus is forced to abdicate the consulship; and Valerius is chosen to succeed him. V. Tarquin having stirred up the Tarquiniienses and Veientes to take arms in his cause, they come to a battle with the Romans, in which Brutus is slain. VI. The people entertain a jealousy of Valerius's ambition, but soon after give him the name of Poplicola, or Popular, on account of the laws he makes in their favour, to the diminution of the consular authority. He creates two treasurers with the title of *questors*.

Brutus's severity.
Lex Valeria.
Questors.

§. I. THE banishment of the Tarquins delivered Rome from her domestic tyrants, but it raised her many enemies abroad, and, by occasioning the defection of her allies, reduced her empire almost within the same limits where Romulus had left it. What might properly be called the Roman territory, had always been confined to a very narrow circuit. In the space of 243 years, the Romans, though constantly victorious in war, had not gained land enough to supply their city with provisions. The main strength of the state lay in the number of the citizens of Rome, which the custom of transplanting the inhabitants of the conquered cities thither had so prodigiously increased, that it put the Romans in a condition of usurping an authority over other na-

Year of ROME 244.
B. C. 508.
Junius Brutus and Tarquinii Collatinus consuls.

Year of
ROME
244.
B. C. 508.

First con-
sulship.

tions, the most inconsiderable of which had an extent of country far exceeding theirs. By frequent incursions and depredations they so harassed the petty states of Latium and Hetruria, that many of them were constrained to enter into treaties with Rome, whereby they obliged themselves to furnish her with auxiliaries, whenever she should be pleased to invade and pillage the lands of her other neighbours. Submissions of this kind she called making alliances with her; and these useful alliances supplied the want of a larger territory. But now, upon the change of her government, all her allies forsook her at once, and either stood neuter, or espoused the cause of the banished king; so that she was left entirely to herself to maintain the liberty she had assumed.

D. Hal.
b. 4. p.
277.

Rome however enjoyed a profound peace in the beginning of the new administration. The army which had been employed in the siege of Ardea marched home under the conduct of Herminius and Horatius, who had made a truce with the Ardeates for fifteen years. Upon this increase of strength, by the return of the troops which had served under Tarquin, the consuls thought it expedient to convene the people again by centuries in the Campus Martius; and when they had in long speeches exhorted them to concord, the decree, passed some days before against the Tarquins, was confirmed.

B. 5.
p. 277.

Livy,
b. 2.
c. 1, 2.

Nor was this all. The consuls standing before the altars where expiatory sacrifices had been just offered, took an oath in the name of themselves, their children, and posterity, that they would never recall King Tarquin, nor his children, nor their posterity, from banishment, nor create any other king of Rome, nor suffer any to be created; and they made the people take the same oath. After this the comitia proceeded to elect a rex

D. Hal.
p. 278.

* Livy and Dion. Hal. agree in fixing the consulship of Brutus and Collatinus to the year of Rome 245; but the Capitoline tables (which the fathers Catrou and Rouillé constantly follow) fix it to the year 244.

sacrorum to preside at the sacrifices ; and many of the laws of Servius Tullius were revived to the great joy of the people, who were restored to their ancient right of deciding by their votes in all important affairs.

Year of
ROME
244.
B. C. 508.

First consulship.
Plut. in
Poplic.
p. 97, 98.

Brutus, being jealous of some in the senate, put all the senators likewise to the test of an oath. In this venerable body Valerius was the man of the greatest weight. He had expected to be named consul at the first election, and being highly displeased at the preference given to Collatinus, had for some time withdrawn himself from public affairs ; insomuch that he began to be suspected of favouring the banished king : but he removed these apprehensions, by the remarkable zeal he shewed for liberty, when the day came for the senators to take the same oath which the people had taken. He was the first man who swore never to favour the pretensions of the Tarquins ; and his actions soon after proved the sincerity of his oath. .

§. II. IN the mean time the Tarquins were using their utmost endeavours to stir up the neighbouring states to take arms against Rome. Having wandered from city to city, the old king at length made Tarquinii in Hetruria his place of residence ; and by moving words he so raised the compassion of the Tarquinienses as to engage them to send an embassy to Rome, with a modest, submissive letter from himself, directed to the Roman people. The ambassadors represented to the senate in such strong terms the reasonableness of letting the king be heard, before he was condemned, and the danger which threatened the Roman state, from the neighbouring powers, if that common justice were refused, that the consuls inclined to bring these agents before the people, and leave the decision of the affair to the curiæ : but Valerius strenuously opposed so hazardous a proceeding, and by his influence in the senate defeated this

D. Hal.
b. 5.
p. 279.

Plut. in
Popl.
p. 98.

^f We have this account from Plutarch. D. Hal. affirms, that Brutus had no regard to the remonstrances of the ambassadors.

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ROMA
244.
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First con-
sulship.

first attempt of the artful Tarquin. Indeed the senate was most especially concerned for ever to exclude kings, who had often oppressed it; and the consuls therefore thought it proper to restore that venerable body to all its rights and prerogatives, and to gain it the respect of the people, not only by the dignity, but by the number of its members, which Tarquin's murders and proscriptions had greatly diminished. And to this end, wise men, and men of interest, were sought out, amongst the Roman knights, to fill up the vacant places; so that the ancient number of 300 was once more completed. The old senators had been styled *patres*, or fathers; and because these new ones were put upon the same list with them, they were called *conscripti*,^s i. e. persons written or enrolled together with them.

Livy,
b. 2.
c. 3.

§. III. BUT notwithstanding all these prudent measures, the rising republic was upon the brink of being destroyed in its very beginning. Many of the young patricians having been accustomed to licentiousness and pleasure, the austere form of a republican government, in which the laws alone, always deaf and inexorable, were to reign, gave them greater apprehensions than tyranny itself. They were fond of the flattering distinctions of a court, and could not bear the mortification of seeing themselves almost upon a level with the multitude. The sons of Tarquin, building their hopes on these young debauchees, who regretted the loss of their former com-

^s These conscript fathers were called the new senate, *novus senatus*. And it appears by Livy's words, rightly understood, that the old senators only were called *patres*; and that the new ones were distinguished from them by the name of *conscripti*. It is true, Dion. Hal. gives the same name of *patres conscripti* to the first senators, created by Romulus: but this form, *qui patres, quique conscripti essent*, which was used when the senate was called together, sufficiently shews the mistake of the Greek historian; so that when we find in Latin authors, *patres conscripti* used to express the senate in general, the words must be understood, as if they were joined by a conjunction, *patres et conscripti*, i. e. the fathers, and those who have been added to them. Festus favours this opinion, when he says, that those were called *conscripti* who had passed from the order of Roman knights into that of senators. Thus far father Rouillé.

Plutarch in his life of Romulus says, that the senators were at first called simply *patres*, and when more were added to them, *patres conscripti*: but this does not determine whether the latter appellation was given them upon the addition made by Tatius the Sabine king, by Tarquinius Priscus, or by Brutus.

panions in pleasure, prevailed with the Tarquinienses to send a second embassy to Rome, under pretence of demanding the estates of the exiles; but with private instructions to spirit up a faction, if possible, to attempt the lives of the consuls. The ambassadors were admitted, and nothing could be more modest than the demands of the banished king. He asked only his paternal estate; and on that condition promised never to attempt the recovery of his kingdom by force of arms. The consul Collatinus was for complying with the request; but Brutus opposed it. The affair, having been long considered by the senate, was at last referred to the people. Brutus endeavoured to bring his colleague, who was a relation of the Tarquins, under a suspicion of treachery. However, the opinion of Collatinus prevailed in the comitia, and it was carried by one vote,^h that the Tarquins should be put in possession of the estates of their family.

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Rome
244.
B. C. 508.
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consul-
ship.
Plut. in
Popl.
p. 98.

D. Hal.
b. 6.
p. 280.

Whilst the people were employed in loading carriages with the effects of the exiles, and in selling what could not be carried off, the ambassadors found means to draw some of the nearest relations of the consuls into a plot against them. These were three young noblemen of the Aquilian family (the sons of Collatinus's sister) and two of the Vitellii (whose sister Brutus had married), and these latter engaged Titus and Tiberius, the two sons of Brutus, in the same conspiracy. They all bound themselves by solemn oaths, with the dreadful ceremony of drinking the blood of a murdered man, and touching his entrails. The house of the Aquilii was their place of meeting, and there they all wrote letters to the banished king, which they put into the hands of the ambassadors. But notwithstanding a great deal of precaution used by the conspirators, to keep the secret from their servants, Vindicius a slave, and then butler to the Aquilii, suspect-

P. 281.
Plut. Vit.
Popl. p.
98, 99.

Livy,
b. 2.
c. 4.

D. Hal.
p. 282.

^h Dionysius must here mean, that there were sixteen curiæ against fourteen, because he tells us, that the affair was decided by the thirty curiæ.

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R O M E
244.
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ship.

ing his master's design, stayed at the door of the apartment, and through a crevice saw and heard all that passed. He durst not disclose the secret to either of the consuls, on account of their near relation to the conspirators: he went straight to Valerius, and unburdened his mind to him. Valerius took the slave under his protection; and then, by the help of his brother M. Valerius, and of his own friends, clients, and domestics, not only seized the letters of the conspirators, but took all the heads of the conspiracy prisoners.

P. 283.

Early the next morning, the people being summoned to the comitium, were Brutus and his colleague sat on the tribunal of justice, the prisoners were brought forth to trial. Brutus began it with the examination of his two sons. Vindicius appeared against them, and the letters they had written to the Tarquins were read. The proof being clear, the prisoners stood quite silent, and pleaded only by their tears. "Titus and Tiberius," said the stern Brutus, "what have you to offer in your defence?" They were thrice called upon to plead, but tears were still their only answer. The major part of the senators being touched with compassion, a low murmur was heard among them, "Banish them, banish them." Collatinus wept, and even Valerius seemed to relent, because he said nothing. All the people stood trembling in expectation of the sentence. Brutus at length rose up, and with a steady voice, not interrupted by a sigh, said, "Lictors, I deliver them over to you, the rest is your part." At these words the whole assembly shrieked: the universal consternation was inexpressible: distress shewed itself in every face, and the mournful looks of the people pleaded for pity: but neither these intercessions, nor the bitter lamentations of the young men, who called upon their father by the most endearing names, could soften the inflexible judge. The lictors seized upon the criminals, beat them with rods, and then struck off their heads; Brutus all the time gazing

on the cruel spectacle with a steady look, and a composed countenance. This execution over, he immediately quitted the tribunal,ⁱ and left his colleague to do the rest. Collatinus, being inclined to spare his nephews, the Aquilii, allowed the prisoners a day to clear themselves; and ordered their slave Vindicius (the only evidence against them) to be delivered up to his masters. But this roused the indignation of the people, as well as the zeal of Valerius, who had promised with an oath to protect the witness. In vain did the lictors attempt to force Vindicius from him; and the multitude called out for Brutus to return to the comitia. When Brutus came, he told the people that what he had done was by virtue of his paternal authority over his children; but that for the rest of the delinquents, it belonged to them to determine their fate. Accordingly, by a decree of the curiæ, the conspirators all suffered as rebels, except the ambassadors, who were spared out of respect to the law of nations. As for Vindicius, the people judged him worthy of that liberty he had secured to the Romans;^k

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B.C. 508.

First
consul.
ship.
Plut. in
Popl. p.
100.

ⁱ Dion. Hal.'s account of this matter differs from that of Plutarch. The former pretends, that Brutus, immediately after the execution of his children, had the Aquilii brought before him: that after their letters were read aloud, he gave them leave to make their defence; and that they, having nothing to say for themselves, had recourse to tears and entreaties; but to no purpose. For Brutus, still inflexible, ordered the lictors to seize them, and carry them to execution. Collatinus suspended it, and made the warmest remonstrances to his colleague, in favour of the conspirators: but being piqued when he found he could make no impression upon him, he had recourse to his authority, and pardoned the criminals. This so exasperated Brutus, that he committed the Aquilii to prison, in spite of the opposition of his colleague, and accused him before the people of treason and perfidiousness. Collatinus seeing with grief, that the people were unanimously against him, and against those whose defence he had undertaken, thought he could no longer exercise the office of a consul with dignity; and therefore chose to abdicate the magistracy, at the persuasion of Spurius Lucretius, his father-in-law. Collatinus was succeeded by Publius Valerius. Brutus immediately, with the concurrence of his new colleague, put all those to death who had been concerned in the conspiracy. D. Hal. p. 284.

^k It is commonly thought, and is probable enough, this Latin phrase, *vindicare in libertatem*, had its rise from the name of Vindicius, who was made free by the consul: but there are others, who will have it to be derived from the word *vindicta*, which signifies a wand, with which the prætor, whose office it was afterward to grant freedoms, struck the slave, whose master had a mind to set him at liberty. In order to reconcile these opinions, it may be said, that the wand itself took its name from Vindicius. In the ceremony of granting freedoms publicly (for there were private ones, which were granted either by will, or in the presence of witnesses), the master presented his slave to the prætor, first holding him by the hand; and afterward quitting his hold; whence came the Latin word *manumissio*. Then, after he had given him a little blow on the cheek, he presented him to the consul or to the prætor: who striking him gently with his wand, pronounced these words: "Aio te liberum esse more

Fear of and beside the privileges of a Roman citizen, gave him
 O M E
 244. 25,000 asses of brass¹ (about 80*l.* 14*s.* 7*d.*)
 B. C. 508.

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 consul-
 ship.
 Livy, b.
 2. c. 5.
 Plut.
 p. 100.
 D. Hal.
 b. 5. p.
 287, 288.

And now, though the people had formerly decreed that the estates of the Tarquins should be restored to them, the senate made no scruple to destroy their palace, and distribute their lands among indigent citizens; the public only retaining a piece of ground (near the Campus Martius) which the king had usurped, and added to his demesnes. This piece of ground they consecrated to Mars, and it became afterward a common field, where the Roman youth exercised themselves in running and wrestling. But after this consecration, the Romans scrupled to house the corn which they found there ready reaped to their hands; so that, with some trees, it was thrown into the Tiber, and the water being low, it stopped in the middle of the river, and began to form that fine island which was called *Insula Sacra*, after many temples had been built on it.

§. IV. THE severity with which Brutus had treated his two sons greatly increased his authority, insomuch, that there was not a single Roman who durst for the future entertain a thought of bringing back Tarquin. Collatinus, on the contrary, by his weak conduct with regard to the conspirators, had exasperated the Romans against him; his very name of Tarquinius became an offence to them. Brutus observing this, and hating his colleague, either on account of his relation to the Tarquins, or because there was some reason to believe he secretly favoured them, or perhaps only because he was of a cha-

quiritium." This ceremony being ended, the slave was registered upon the roll of freedmen. Then he was shaved, and put on the cap called *pileus*, which was worn by the Romans upon certain days. In order to make the taking possession of this kind of cap more solemn, it was performed in the temple of *Feronia*, the goddess of the freedmen. In one of these temples there was a stone seat, with this inscription on it: "*Benemeriti servi sedeant, surgant liberi*:" and it is well known, that the *pileus* was, among the ancient Romans, the sign and symbol of liberty. At the death of Nero, the people appeared in the streets with this cap on their heads. C. & R.

¹ Livy says only, that a sum of money was given to Vindicius. It is here fixed at 25,000 asses of brass; because Livy himself (in b. 9. of his first Decad) has observed, that the reward appointed by law, for the slaves who should discover conspiracies, amounted to that sum; as that for freedmen did to 100,000. C. & R.

racter and temper different from his own, took advantage of the disposition the people were in to get him deposed. In a numerous assembly, he made a speech to them to this effect: "If, Romans, when you chose two consuls, you could at the same time have united their sentiments and inclinations, there would have been no defect in the new government, and I should have had nothing more to wish. But it unfortunately happens, that there is as great a difference betwixt Collatinus and me, as between a hatred of tyranny, and a love of tyrants. His affection for his detestable family, makes him run all hazards to restore our oppressors; whilst I am profuse of my own blood to preserve the liberty of my country. Have not all Collatinus's thoughts, and the whole strength of his interest, been levelled at the destruction of that liberty, which his honour obliged him to defend? And you had hopes he would defend it: but his soliciting you to restore the tyrants their estates, and the impunity with which he was going to dismiss the conspirators, have discovered his secret inclinations and designs. What! Collatinus, have I refused to spare my own children, and shall I spare you? A man, whose body only is with us, and whose soul and affections are with our enemies? A perfidious man, who would preserve the betrayers of his country, and would destroy me for being its zealous defender? No, far from shewing you any indulgence, I declare you from this moment deposed from the magistracy; and I command you to retire to some other city. As for you, Romans, I shall without delay assemble you by centuries, that you may confirm, if you think good, the sentence I have pronounced. You are free to choose whether to have Collatinus or Brutus for your consul; but be assured of this, you cannot have both."

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244.
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—
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consul.
ship.
P. 284,
285.

These words raised so great a commotion among the people, that they would scarce hear Collatinus's defence: in vain did he reproach Brutus with betraying his friend,

P. 286.

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244.
B. C. 508.

First
consul-
ship.

and defaming his colleague; no attention was given to his invectives. At length, by virtue of his authority as consul, he forbade the holding that assembly of which Brutus had spoken. But this prohibition incensed the people yet more, and they cried out to have their votes instantly taken. Collatinus was just going to be deposed with ignominy, and banished by a public decree, when his father-in-law, Sp. Lucretius, desired permission of the consuls to speak to the assembly, and obtained it. He is said to have been the first private man that ever made a speech in the comitia. His age, and the remembrance of Lucretia his daughter, gained him attention; and he addressed himself first to his son-in-law: "It is in vain, Collatinus, to pretend, against the will of the people, to continue in the consulship. You received it at first from them; and to them you ought now to resign it. As to the crimes, of which you are accused, you will more easily clear yourself by your future conduct, than by all your protestations, or by any thing you can say. If the people judge it necessary for their tranquillity that you should retire, do you shew your regard and deference for the public by acquiescing in the public sentiment. You should consider, that though, with respect to all other crimes, it is only the actual commission of them that is cognizable by the justice of a nation; yet when treason against the state is but apprehended, and this upon never so ill grounds, it is held more prudent to guard against it, as an evil really impending, than to run the least hazard of destruction by too much security."

Then turning to Brutus, he pressed him not to insist on the disgraceful banishment of a colleague, who had so happily joined with him in measures which had procured the common liberty; and he added, that if Collatinus would of his own accord divest himself of the consulship, and retire from Rome, not only time ought to be allowed him to remove his effects, but a present

made him out of the public treasury, a mark of the people's good will, which might be a consolation to him under his misfortune.

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This advice of Lucretius being received by the assembly with applause, Collatinus became sensible that he had no way left but to conform himself to it; therefore, when he had invoked the gods to be witnesses of his innocence, and of the ingratitude of his relations and friends, he resigned the consulship. Brutus highly commended his wisdom, and to remove all suspicion of his having any personal enmity to him, procured him a present of twenty talents out of the public treasury,^m to which he added five talents of his own. The place to which Collatinus chose to retire was Lavinium; where he lived in peace, and at last died of old age.

First
consul-
ship.
P. 287.

Brutus, that he might not give the Romans any cause to suspect that he intended to govern singly, and under the name of consul aimed at the authority of a king, immediately assembled the centuries in the Campus Martius, in order to proceed to the election of a new consul, to fill the place of Collatinus. The suffrages of the people were in favour of Publius Valerius, a descendant of that noble Sabine named Valerius Volesus, to whom Plutarch (as was before observed) gives the honour of negotiating the peace between the Sabines and Romans, in Romulus's time. Publius had got himself a great name by the means of his wealth and his eloquence; which latter he had, during Tarquin's reign, generously employed in the defence of justice, as he had done his riches in the relief of the poor, to whom he was ever easy of access. He was also remarkable for his frugality and temperance; and in all the parts of his conduct from his early years he discovered such a surprising wisdom, that he seemed to have been born a philosopher. The two consuls, equally eminent for their

Plut.
p. 100.
D. Hal.
b. 5.
p. 287.
See p. 55.

^m According to Dr. Arbuthnot, who reckons but sixty mine to a talent, the twenty talents amount to 3,875*l.* sterling. Livy represents Collatinus as resigning before the conspiracy, and Valerius as consul when it was discovered. B. 2. c. 2, 3.

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ship.

love of the public good, began their joint administration, by passing a law which granted a general amnesty to all those who had followed the fortune of the Tarquins, provided they returned to the city within twenty days; and this brought back a great number of excellent subjects to Rome.

Livy,
b. 2.
c. 6.

§. v. HOWEVER, nothing could so far discourage the dethroned king, as to make him quit the hope of recovering the kingdom by force. He went about, soliciting the neighbouring nations, and engaged the Veientes and Tarquinienses to unite their forces in the support of his cause. The first were moved to it by the hopes of regaining what they had lost in their former wars with Rome, having now at their head a Roman general of known courage and ability: and as for the Tarquinienses, the considerations of name and blood, and the glory of having a man of their own nation king of Rome, were to them sufficient inducements. These allies took the field, and entered the Roman territory. The consuls without delay marched out their troops to meet them; Brutus commanded the horse, and Valerius the foot drawn up in a square battalion. The two armies being in sight of each other, Brutus advanced with his cavalry at the same time that Arunx, one of Tarquin's sons, was coming forward at the head of the enemy's horse, the king himself following with the legions.

D. Hal.
Liv.
Val.
Max.
Plut.
Popl.
p. 101.
Livy,
ibid.
D. Hal.
p. 289.

Arunx no sooner discovered Brutus attended by the lic-tors, but all inflamed with rage, he cried out, "There he is, that enemy who has banished us from our native country! See how gallantly he rides adorned with all the ensigns of my father's dignity! Now aid me, ye gods, the avengers of injured kings!" This said, he instantly set spurs to his horse, making directly at the consul, who perceiving his design made no less speed to meet him. Blindly following the dictates of hatred and passion, and regardless of self-preservation, they rushed on to the encounter, and with their lances ran each other through

the body. They both fell dead from their horses; and the death of these generals was the prelude to the battle. Never was the success of an engagement more dubious; for when the night had put an end to it, it was not known in either camp which side had gained the victory, or which had lost the greater number of men. A report was spread, that a voice had been heard out of the wood Arsia, declaring the Romans conquerors; a stratagem probably of Valerius. Be that as it will, it is certain that their enemies, very soon after the action, left their camp in confusion, disbanded, and returned into their own country. And it is said, that Valerius, remaining master of the field of battle, caused the slain to be numbered, and then found, that the Hetrurians had lost 11,300 men, and the Romans only 11,299.

Year of
ROM E
244.

B.C. 508.

First
consul-
ship.
Livy, b.
2. c. 7.
Plut.
ibid.

Rome was inconsolable for the loss of Brutus: a hero who had restored liberty to his country, cemented it with the blood of his children, and died in defending it against the tyrant. The first funeral honours were paid him in the camp; but, the next day after Valerius's triumph, the corpse was brought into the forum in a magnificent litter, and then Valerius gave Rome the first example of those funeral orations, which were ever after made in praise of great men. The ladies distinguished themselves on this occasion. To shew their respect for the avenger of the sex's honour, they mourned for him a whole year, as if they had lost a common father.

D. Hal.
p. 391.
Plut.
ibid.

Livy,
b. 2.
c. 7.

§. VI. As Valerius, for some reasons, deferred convening the centuries for the election of a new consul, this delay began to raise a distrust, as if it were owing to ambitious designs, a jealousy which seemed to be in some measure authorized by his then building a fine house on a steep part of the hill Palatinus, which overlooked the forum. The people considered it as a citadel, whence the new monarch might command the city. But when Valerius was informed of their uneasiness, he

D. Hal.
p. 392.

Livy, b.
2. c. 7.

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944.
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consul-
ship.
Plut.
Popl.
p. 102.

ordered some workmen to go the very next night and pull down the fabric to the ground; and calling the people together as soon as it was day, he expostulated with them about their unjust suspicions, and bid them go see the ruins of his house; he then told them he would fix his habitation in the valley, that from the top of the hill, where he had intended to dwell, they might crush him with stones, if he continued to be the object of their jealousy. This said, he ordered the comitia to assemble for the election of a new consul, in which he left them entirely free; and they chose Lucretius, the father of the unfortunate Lucretia. The people, as they came out of the comitia, being ashamed of having suspected Valerius, complimented him with a large ground-plot, in an agreeable place, and there they built him a house.

The new consul died in a few days after his promotion, so that Valerius was once more sole governor. And now the sensible proofs which, in the interval between the death of Lucretius and the election of another colleague, he gave the people of his zeal for their interest, gained him the surname of Poplicola, or Popular; they called him by no other ever after. He ordered the axes, which were so apt to strike terror, to be taken out of the fasces; and commanded the lictors to lower these in the assemblies of the people, by way of homage to their sovereignty. And this was a kind of introduction to a law, enacted while he was sole consul, whereby an accused person was allowed to appeal to the people from the judgment of the magistrates. Another law was made, exempting artificers, widows, and old men (who had no children to relieve them), from paying tribute. A third law, though it prescribed an absolute submission to the orders of the consuls, yet limited the penalty for disobedience to the value of five oxen and two rams (probably pieces of money with those figures stamped upon them). And, to remove all manner of

D. Hal.
b. 6.
p. 292.

Livy,
b. 2.
c. 8.
Plut.
Popl.
p. 102.

p. 103.

suspicion of his having the least thoughts of tyranny, Poplicola published a fourth decree, making it lawful to kill, without waiting for a legal condemnation, any person who should aim at being master of the liberty of his fellow-citizens, and so likewise in the case of usurping a public office without the people's consent: the assassin was to be declared innocent, provided he brought proof of the ill designs of him he had slain.^a

Year of
ROME
244.
B. C. 508.
—
First
consul-
ship.

Poplicola would not take upon him the keeping of the public money raised to defray the expenses of war; but caused it to be deposited in the temple of Saturn;^o and by his advice the people appointed two persons, elected out of the senate to take the charge of it. These officers they afterward called *quæstors*. The first persons chosen to this office were P. Veturius and M. Minucius.

When Poplicola had by these regulations done all he desired towards diminishing the consular authority, he assembled the people in the Campus Martius, for the election of a new consul, to be his colleague; and the choice fell upon Horatius Pulvillus.

^a Livy represents these laws as made before the election of Lucretius to the consulship. B. 2. c. 8.

^o The public treasury was called *Ærarium*; because at first nothing was lodged in it but unstamped brass, which went by weight, and which was called *æs rude*. Afterward stamped pieces of brass were lodged there, which were called *æs grave*, or *æs leve*, according to the different weight of the several coins. This treasure had been kept at the houses of the kings and consuls, till the time of Poplicola, who removed it to the temple of Saturn, which was situated at the foot of the hill Saturnius, or the Capitol. In after-times, the public treasury was divided into two branches; the one was called the common treasury, or *ærarium vulgare*; the other was called the sacred treasury, or *ærarium sanctius*; in which the *aurum vicesimarium* was reserved for the extraordinary occasions of the commonwealth. But of this in its proper place.

According to Plutarch, there were no *quæstors* in Rome, till Poplicola's time; and this office was originally a branch of that of the consuls. But Ulpian pretends, on the contrary, and quotes several authors for it, that there were *quæstors* even in Tullus Hostilius's time. It was therefore to be observed, that the name of *quæstors*, among the Romans, had two different significations. Sometimes it signified commissioners, by whom capital crimes were cognizable, and sometimes magistrates who were put in commission for getting in the public money. Ulpian might speak of the former sort of *quæstors*, as being in the time of the kings, and Plutarch of the other sort, which was introduced by Poplicola in the time of the commonwealth. These latter *quæstors* were chosen by the people assembled in comitia. C. & R.

CHAP. II.

245. SECT. I. Poplicola is chosen consul a second time, and T. Lucretius appointed to be his colleague. Porsena, king of Clusium in Etruria, sends a threatening embassy to Rome. The Romans choose Poplicola consul a third time, and give him Horatius Pulvillus for a colleague. II. Porsena, in conjunction with some of the Latin states, marches an army into the neighbourhood of Rome. The remarkable bravery of Horatius Cocles. III. The desperate enterprise and wonderful resolution of Mucius Scævola. Porsena, intimidated by the courage of the Romans, desists from his demand of having the banished king restored. He makes a truce with the Romans, who refer it to his judgment, whether they shall restore to Tarquin his paternal estate or not. The adventure of Clælia during the pleadings. Porsena renounces the cause of Tarquin entirely, and makes a peace with the Romans. IV. The temple of Jupiter Capitolinus is consecrated. Sp. Lartius and T. Herminius chosen consuls. The Romans shew their gratitude to Porsena.
- 247.

Year of
R O M E
245.
B.C. 507.

Second
consul-
ship.
D. Hal.
b. 5.
p. 593.

§. I. IN a few months after the promotion of Horatius, the first year of the consular power expired, and then the Romans thought fit, because of the present critical situation of their affairs, to choose Poplicola again; and with him they joined T. Lucretius, the brother of the famous Lucretia. These began their administration by reviving the old institutions of King Servius Tullius, the census and the lustrum,^p and they found the number of

^p The learned differ about the persons whose names were given in upon each Roman census. Some will have it, that in this multitude, all the Roman citizens were comprehended, without excepting their wives, children, widows, orphans, or pupils. But is it credible, that the commonwealth, when Rome was become the capital of the world, should reckon but 300, 400, and never so much as 500,000 citizens, in all the Roman territory, and in the whole extent of its municipal towns? For we do not find that the most numerous census ever exceeded 500,000, for above 700 years together. Others think that the number mentioned by the Greek and Latin authors comprehended only the heads of families. But this opinion cannot be supported. For, not to say that it cannot be reconciled with the account the historians give us, we shall never be persuaded, that under the consulship of Valerius, for instance, the Roman state, which was confined within narrow limits, and extended little farther than the walls of Rome, should be able to reckon up 130,000 heads of families; and consequently, several millions of souls, including children, slaves, widows, orphans, pupils, strangers, &c. whose names were not taken down in the census. It is therefore more reasonable to conclude, with Fabius Pictor, as quoted by Livy, that none but those who were able to bear arms were included in this reckoning; i. e. those only who were about seventeen years of age, and under forty-six. Thus we are to understand Dion. Hal. when, speaking of this fifth Roman census, he says, that the number of those who were arrived to the age of puberty, by 46, amounted to 130,000 men. He speaks in much the same manner, whenever he mentions the census, always excepting the women, children, orphans, handicraftsmen, slaves, and people of mean trades and low condition of life, who in earlier times of the republic were excluded from the Roman militia; as we are informed by credible authors. And in short, if we do but consider, that at the end of Romulus's reign the Roman army consisted of 46,000 foot, and very near 1,000 horse, it will not appear at all surprising, that Rome, which was now become more powerful, and better peopled, should be able to raise 130,000 men; especially since the inhabitants of Alba and the other conquered cities had removed thither. C. & R.

Roman citizens, at or past the age of puberty, to be 130,000. As a war from the Latin quarter was what the Romans, at this time, chiefly apprehended, the consuls at a great expense fortified Siquirinum, or Sigliuria, an important post on that side. However, the first of the neighbouring powers that appeared, after the death of Brutus, in favour of the Tarquins, was Porsena, a potent prince, king of Clusium in Hetruria. He sent a haughty and threatening embassy to the Romans, requiring them either to recall the Tarquins, or to give them back their estates. The first they absolutely refused, and as to the second, they answered, that it was impracticable; a part of those estates having been consecrated to Mars, and the rest divided among indigent people, from whom they could not be recovered.

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While the Romans were employed in preparations for a brave defence, the time came for electing new consuls, and then Poplicola was chosen a third time, and, with him, Horatius Pulvillus, who had before been a few months in that office.

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§. II. PORSENA, attended by his son Arunx and the exiles, marched towards Rome with a formidable army, and was joined by a considerable body of Latins, under the command of Mamilius, Tarquin the Proud's son-in-law. The consuls, upon their approach, made the peasants carry their effects into strong holds, and they endeavoured to secure the hill Janiculum, which overlooked Rome, and was its only fortification on that side the Tiber. And to keep the populace in temper and spirit, the senate made several agreeable regulations, with respect to taxes and provisions, and took great care to provide for their subsistence during the war; they sent to several parts of Campania, and even to Cumæ, to fetch corn, which was afterward sold to the common people at low rates, lest the want of bread should tempt them to purchase it with the common liberty, and open the gates of Rome to Tarquin. Nay, the senators, at

D. Hal.
p. 294.

Livy,
b. 2.
c. 9.

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the same time that they taxed themselves higher than any others, would lay no impost on the common people during the war; following this generous and equitable maxim: "That the lower sort paid tribute enough to the commonwealth, by bringing up children who would in time be able to defend it." In a word, the Romans were all sensible of the difference of the present government from the former, and all equally solicitous to avoid servitude; so that concord reigned in Rome, even in the time of a famine, with which it was grievously afflicted before the end of this war.

D. Hal.
b. 5, p.
294, 295.
Livy,
b. 2.
c. 10.

Porsena soon displayed his banners along the Tiber. His first attack was upon the fort of the Janiculum, and he drove the Romans out of it. Upon this, the consuls made all their troops pass the river, and drew them up in order of battle to defend the bridge: and Porsena advanced to engage them. The victory was for a long time doubtful; but M. Valerius (Poplicola's brother), and T. Lucretius, who were at the head of the left wing, being both unfortunately wounded and carried out of the field, a general terror seized the Roman army. The bridge Sublicius was in a moment covered with run-aways, who strove to gain the city; Horatius Cocles (nephew of Horatius the consul), being joined by Sp. Lartius and T. Herminius (who had commanded the right wing), these three gallant men, to hinder the enemy, from pursuing the Romans, posted themselves at the entrance of the bridge, and for a long time bravely defended it. The defensive arms of Lartius and Herminius being at length broken, they retired; Horatius desiring them to advise the consuls, from him, to cut the bridge at the other end. Then for awhile he sustained alone the attack of the enemy. The heaps of dead bodies which had fallen by the hands of the three heroes, formed a kind of rampart for him against close assaults, and with his buckler he covered himself from the missive weapons thrown at him. At length being

wounded in the thigh, and the signal being given that the bridge was almost broken down, he leaped into the river, and swam across it through a shower of darts. Thus Cocles saved the republic from ruin; and the Romans being sensible of it, erected a statue of brass to him in the temple of Vulcan. They gave him likewise as much land as he himself, with one yoke of oxen, could plough in one day. And each of the inhabitants of Rome, to the number of 300,000, gave him the value of as much food as each consumed in a day. But, notwithstanding all this, because he had lost one eye, and from his wounds continued lame the remaining part of his life, these defects prevented his ever being elected to the consulship, or to any military command.

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D. Hal.
b. 5.
p. 296.

Though the city was not entirely invested, but had several avenues open, it was very difficult to find provisions for so great a number of inhabitants, as could hardly subsist there in time of peace; and a famine began to be severely felt. Porsena, having notice of it, sent the Romans word, that if they would receive their old masters, he would furnish them with provisions; to which they returned this answer; "That hunger was a less evil than slavery and oppression."

P. 297.

§. III. NEVERTHELESS, Rome was almost wearied out with this long siege, when Mucius Cordus, a young Roman of noble birth, desired permission of the consuls and senate to cross the Tiber, and go into the enemy's camp, there to attempt something for the service of his country; and he begged, as his only recompense, that, in case he fell in the dangerous enterprise, his zeal might not be buried in oblivion, but proclaimed after his death. The consuls and senate, having encouraged him to undertake any thing in the present exigence, he dressed himself in an Hettrurian habit, and, with a poniard hid under his clothes, left the city. As he spoke the language of the Hettrurians perfectly well, he easily got into their camp, and made his way quite to the king's

Livy, b.
2. c. 12.
Plut.
Popl. p.
106.
D. Hal.
b. 5.
p. 298.

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tent. It happened to be the day on which the troops were reviewed and paid. Porsena's secretary, magnificently dressed, was sitting on the same tribunal with the king, giving audience, and receiving petitions. Mucius mistook him for the king himself, leaped upon the tribunal, and with one stroke of his poniard laid him dead at the king's feet. He then attempted to escape, but was seized, and brought back to the presence of Porsena. "Thou execrable villain (said the king), who art thou, whence comest thou? Who are thy accomplices?" Mucius, with a haughty look that struck more terror than it expressed fear, answered, "that his name was Caius Mucius; that he was a Roman; and that Roman bravery made him capable of attempting whatever man could do, and of suffering whatever man could endure." Porsena, filled with amazement at his answer, was yet more astonished when he saw him with a steady countenance, and a look which testified his inward rage for having missed his aim, thrust his right hand into a pan of burning coals, and there let it broil, without shewing any signs of pain. The king's resentment changed wholly into admiration; he granted him life and liberty, and even restored him the dagger with which he had designed to stab him; and because Mucius, having now lost the use of his right hand, took it with his left, he had thence the surname of Scævola, i. e. left-handed.

The Roman was no less surprised at the king's generosity, than the king had been at his intrepid boldness: however, he had the presence of mind to invent a story for the service of his country. He pretended to be moved by the king's goodness to discover to him a secret, which he said no torments could have extorted from him: "That 300 young Romans, all as resolute as himself, and who were dispersed in the Hettrurian camp, had bound themselves by the most sacred oaths, to attempt his life one after another, at the like hazard

as he had done." This discourse struck Porsena once more with terror, and having ordered Mucius to withdraw, he called a council to deliberate upon the best means to preserve himself from the dangers with which he was threatened. His son Arunx, a great admirer of the Roman virtue, advised him to render all precautions needless by concluding a peace with the Romans. The king readily listened to this proposal, and the more readily, as the Romans, in a sally out of the town, had destroyed a great many of his troops; which occasioned a murmuring in the camp: deputies were sent to Rome, who had orders not to mention the recalling of the Tarquins, but only to insist on a restitution of their estates, or an equivalent; and as to what concerned the Hettrurian nation, to require the Romans to reinstate the Veientes in the possession of seven villages taken from them in former wars. Poplicola, zealous to have the people relieved in their misery, prevailed with the senate to comply with these conditions: but the people themselves refused to consent to the first article, till Porsena had heard their cause pleaded against the Tarquins; and to his arbitration they left it. As to the second, they readily agreed to it, and offered hostages to secure its performance.

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A truce being made, the Romans deputed some of the senators to plead their cause before the Hettrurian king, and, at the same time, sent ten young virgins, and as many boys, of the best families in Rome, for hostages: but then the Tarquins refused to admit Porsena for a judge between them and the Romans. The king, however, resolved to inform himself in the affair, and made his son Arunx his associate for hearing and deciding it. The Roman deputies had scarce begun to open the cause, when the proceeding was interrupted by news brought, that the young women, given as hostages, had ventured to swim across the Tiber, and were returned to Rome. They had been permitted to bathe

Plut.
Vit. Popl.
p. 106.

D. Hal.
b. 5.
p. 302.
Plut.
ibid.
p. 107.

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in the river ; where the famous Clælia (one of the number), happening to turn her eyes towards her native city, took a longing to go back to it. Away she swims, the rest follow her, and they all get safe to the opposite shore.¹ When the truth of the matter was known, it served only to increase the esteem which Porsena and Arunx had for the Roman bravery. But in the mean time, Poplicola was very uneasy at the return of the young women, among whom was his own daughter Valeria. He dispatched a deputation to the Hettrurian camp, to excuse the folly of the girls, and with a promise to send them back. Mamilius and the Tarquins having notice of this, prepared an ambush to surprise them on the road ; and when the Roman maids, under the guard of a few horsemen, were almost at the gates of Porsena's camp, they appeared on a sudden with a considerable body of horse, and fell with fury on the weak convoy. Poplicola had by good fortune put himself at the head of the Roman troop ; he sustained the attack of the enemy with incredible valour, while his daughter Valeria, exceedingly terrified, rode full speed to the Hettrurian camp, and gave notice of the danger her father was in ; and then Arunx, with a great body of cavalry, flying to his relief, the assailants were soon routed.

This attempt of the Tarquins greatly displeased Porsena, and gave him a strong suspicion of the badness of their cause. He summoned the chief officers of his army, and, in their presence, heard the complaints of the Romans ; who enlarged on all the crimes committed by their tyrants, from the assassination of King Servius, to the violence committed on the chaste Lucretia. The Hettrurians were filled with horror ; and Porsena, renouncing all alliance with the Tarquins and Mamilius, ordered them to leave his camp. He then commanded the ten young virgins to be brought before him, and inquired who was the first author of their enterprise : Clælia,

¹ Poly adds, that they passed the river through a shower of Hettrurian darts.

with a fearless air, confessed, that she alone was guilty, and that she had emboldened the rest by her advice. The king, as much surprised with her steadiness as with her courage, addressed himself to her in a gracious manner, extolled her adventure above the bravery of Horatius, and the intrepidity of Mucius, and made her a present of a fine horse with sumptuous furniture. After this, he concluded a peace with the Romans, restored them all their hostages, and told the consul, that he looked upon the Roman probity as the best guarantee of the treaty.

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D. Hal.
p. 303.
Livy,
b. 2.
c. 13.
Plut.
Popl.
p. 107.

And now Porsena being to return to Clusium, signaled his departure from the neighbourhood of Rome by an act of liberality, which the noble manner of it made the more agreeable to the Romans. He ordered his Hettrurians to leave behind them their tents, furnished with all sorts of provisions, and other valuable effects, and to carry nothing away with them but their arms. Rome was hereby much relieved in her wants; and the Romans, on this occasion, took up a custom, whenever any effects belonging to the public were to be sold, of proclaiming* them by a herald, in the following words: "These are Porsena's goods;" the intention of which was, to preserve the memory of that prince's kindness; and it also signified that the effects exposed to sale would be sold cheap. More than this, the senate set up a brazen statue of the king near the comitium, and sent an embassy to him with a present of a throne, a sceptre, a crown of gold, and a triumphal robe.

D. Hal.
p. 303.

§. IV. WHEN, after the departure of Porsena, the Romans had rewarded those who had behaved them-

* These presents being of the same kind with those which the Hettrurians are represented to have sent to Tarquin the Elder, by way of recognising his sovereignty over them, as a people subdued, give good ground to believe, that Porsena took Rome, and totally subjugated the Romans. Tacitus speaks of it as a thing well known, that the city surrendered to Porsena: "*Sedem Jovis Optimi Maximi (the capitol), auspicio a majoribus pignus Imperii conditam, quam non Porsena dedita urbe, neque Galli capta temerare potuissent,*" &c. (l. 3. c. 72. Hist.) And Pliny says, that in the treaty which Porsena granted the Romans, an express stipulation is found, that they should make no use of iron but for the business of agriculture. "In fœdere, quod, expulsiis regibus, populo Romano dedit Porsena, nominatim comprehensum invenimus, ne ferro nisi in agricultura uterentur." L. 34. c. 14.

See b. 1.
c. 6, §. 3.

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selves well in the siege, and particularly Mucius Scævola, to whom they gave a large piece of ground, and erected a statue; their next care was to shew their gratitude to the gods, by some public act of religion. The temple of Jupiter Capitolinus, though finished, had not yet been consecrated. It naturally belonged to one of the consuls to perform the ceremony; and it must prove an immortal honour to whoever should do it. Had the election of the consecrator been in the people, Poplicola would undoubtedly have carried it: but it was the senate's right to nominate the man; and they being grown envious, and jealous of Poplicola, sent him upon a slight expedition, and, in his absence, commissioned his colleague to dedicate the temple.* We are told,

* The honour of dedicating a temple was a mark of distinction, which the great men of Rome earnestly solicited. This office, in the earliest times of the commonwealth, belonged to him of the two consuls, whom the senate should appoint. Afterward the people, assembled by tribes, named the consecrator. At length the right of nomination was again in the senate, and this even in the time of the Roman emperors. The dedication of a temple was a solemn festival, accompanied with extraordinary rejoicings. The altars were then adorned with flowers and garlands; sacrifices were offered up, and hymns sung to instruments. The magistrate who was to preside at the ceremony, gave the college of the pontifices notice of the day of dedication. He summoned the pontifex maximus to appear at the temple, and pronounce the words of consecration: after whom, this magistrate repeated them, word for word, with his hand upon the side-post of the door of the temple. He was obliged to be extremely exact in doing it. A syllable forgotten, or ill pronounced, gave the people an alarm, and they thought it an inauspicious omen to the consecrator. Therefore, Metellus, the pontifex maximus, who had an impediment in his speech, was several months learning to articulate the word *opifera*. It was not lawful to appear at this solemnity in mourning, but only in white clothes.

The name of the magistrate who performed the ceremony of the consecration, was usually inscribed on the frontispiece of the temple. Thus far F. Cat. and Rouillé.

It may be proper here to take notice once for all of the general names by which the places set apart for divine worship, are called in ancient authors.

Templum, was a place which had been not only dedicated to some deity, but withal formally consecrated by the augurs.

Ædes sacra, were such as wanted that consecration; which if they afterward received, they changed their names to temples. Vid. A. Gell. l. 14. c. 7.

Delubrum, according to Servius, was a place that under one roof comprehended several deities.

Ædicula is only a diminutive, and signifies no more than a little ædes.

Sacellum may be derived the same way from ædes sacra. Festus tells us, it is a place sacred to the gods, without a roof. Ken. Antiq. part 2. b. 1. c. 3.

It were endless (adds Mr. Kennet) to reckon up but the bare names of all the temples we meet with in authors. The most celebrated on all accounts were, the Capitol and the Pantheon.

The Capitol, or temple of Jupiter Capitolinus, was the effect of a vow made by Tarquinus Priscus in the Sabine war. (Liv. lib. 1.) But he had scarce laid the foundations before his death. His nephew (son, or grandson), Tarquin the Proud, finished it with the spoils taken from the neighbouring nations. (Liv. lib. 1.) But upon the expulsion of the kings, the consecration was performed by Horatius the consul. (Plutarch in Poplicol.) The structure stood on a high ridge, taking in four acres of ground. The front was adorned with three rows of pillars, the other sides

that just as Horatius was beginning, at the door of it, to pronounce the form of consecration, Poplicola's

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with two. (Dionys. Halicar.) The ascent from the ground was by 100 steps. (Tacitus.) The prodigious gifts and ornaments, with which it was at several times endowed, almost exceed belief. Suetonius (in August. cap. 30.) tells us, that Augustus gave at one time 2,000 pounds weight of gold: and in jewels and precious stones, to the value of 500 sesterces. Livy and Pliny (Liv. lib. 10, 55, 38. Pliny, lib. 33, &c.) surprise us with accounts of the brazen thresholds, the noble pillars that Sylla removed hither from Athens out of the temple of Jupiter Olympus; the gilded roof, the gilded shields, and those of solid silver; the huge vessels of silver, holding three measures; the golden chariot, &c. This temple was first consumed by fire in the Marian war, and then rebuilt by Sylla; who dying before the dedication, left that honour to Quintus Catulus. This too was demolished in the Vitellian sedition. Vespasian undertook a third, which was burnt down about the time of his death. Domitian raised the last and most glorious of all; in which the very gilding amounted to 12,000 talents. (Plutarch in Poplicola.) On which account Plutarch (Plutarch in Poplicola) hath observed of that emperor, that he was like Midas, desirous of turning every thing into gold. There are very little remains of it at present; yet enough to make a Christian church. Fabric. Roma, cap. 9.

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The Pantheon was built by Marcus Agrippa, son-in-law to Augustus Cæsar; and dedicated either to Jupiter Ultor, or to Mars and Venus, or more probably, to all the gods in general, as the very name (*quasi Tōv πάντων Θεῶν*) implies. The structure, according to Fabricius, (Fabric. Roma, cap. 9.) is 140 feet high, and about the same breadth. But a later author hath increased the number of feet to 158. The roof is curiously vaulted, void places being left here and there for the greater strength. The rafters were pieces of brass forty feet in length. There are no windows in the whole edifice, only a round hole at the top of the roof, which serves very well for the admission of the light. Diametrically under is cut a curious gutter to receive the rain. The walls on the inside are either solid marble, or incrustured. (Marlian. Topog. Rom. Antiq. lib. 6. cap. 6.) The front on the outside was covered with brazen plates, gilt, the top with silver plates, which are now changed to lead. (Marlian. Topog. Rom. Antiq. lib. 6. cap. 6. and Fabric. Rom. cap. 9.) The gates were brass, of extraordinary work and bigness. Marlian. *ibid.*

The temple is still standing with little alteration, besides the loss of the old ornaments, being converted into a Christian church by Pope Boniface III. or, as Polydore Virgil hath it, (lib. 6. cap. 8.) by Boniface IV. dedicated to St. Mary, and All Saints, though the general name be St. Mary de Rotonda. (Fabric. cap. 9.) The most remarkable difference is, that whereas heretofore they ascended by twelve steps, they now go down as many to the entrance. Fabric. cap. 9.

The ceremony of the consecration of temples (a piece of superstition very well worth our notice), we cannot better apprehend, than by the following account which Tacitus gives us of that solemnity, in reference to the Capitol, when repaired by Vespasian: though perhaps the chief rites were celebrated upon the entire raising of the structure, this being probably intended only for the hallowing the floor. Undecimo Kalendas Julius, &c. Hist. lib. 4.

"Upon the 21st of June, being a very clear day, the whole plot of ground designed for the temple, was bound about with fillets and garlands. Such of the soldiers as had lucky names, entered first with boughs in their hands, taken from those trees which the gods more especially delighted in. Next came the vestal virgins, with boys and girls, whose fathers and mothers were living, and sprinkled the place with brook-water, river-water, and spring-water. Then Helvidius Priscus the prætor (Plautus Elian, one of the chief priests, going before him), after he had performed the solemn sacrifice of a swine, a sheep, and a bullock, for the purgation of the floor, and laid the entrails upon a great turf, humbly besought Jupiter, Juno, Minerva, and the other deities, protectors of the empire, that they would be pleased to prosper their present undertaking, and accomplish, by their divine assistance, what human piety had thus begun. Having concluded his prayer, he put his hand to the fillets, to which the ropes, with a great stone fastened in them, had been tied for this occasion; when immediately the whole company of priests, senators, knights, with the greatest part of the common people, laying hold together on the rope, with all the expressions of joy, drew the stone into the trench designed for the foundation, throwing in wedges of gold, silver, and other metals, which had never endured the fire."

Some curious persons have observed this similitude between the shape of these old temples, and our modern churches: that they had one apartment more holy than

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brother Marcus, who had watched his opportunity, cried out, "Thy son, O consul, lies dead in the camp:" the thing was false, but he hoped by these words to

the rest, which they termed *cella*, answering to our chancel or choir; that the porticoes in the sides were in all respects like to our aisles; and that our nave or body of the church, is an imitation of their basilica. Polletus Hist. Rom. Flori. lib. 1. cap. 3.

There are two other temples particularly worth our notice; not so much from the magnificence of the structure, as for the customs that depend upon them, and the remarkable use to which they were put. These are the temples of Saturn and Janus.

The first was famous upon account of serving for the public treasury: the reason of which some fancy to have been, because Saturn first taught the Italians to coin money; or, as Plutarch conjectures, because, in the golden age under Saturn, all persons were honest and sincere, and the names of fraud and covetousness unknown in the world. (Plutarch, in Problem.) But, perhaps, there might be no more in it, than that this temple was one of the strongest places in the city, and so the fittest for that use. Here were preserved all the public registers and records, among which were the *libri elephantini*, or great ivory tables, containing a list of all the tribes, and the schemes of the public accounts.

The other was a square piece of building (some say of entire brass), so large as to contain a statue of Janus, five feet high; with brazen gates of each side, which used always to be kept open in war, and shut in time of peace. Vid. Marlian. Topog. Rom. Antiq. lib. 3. cap. 8.

But the Romans were so continually engaged in quarrels, that we find the last custom but seldom put in practice.

First, all the long reign of Numa. Secondly, A. U. C. 519, upon the conclusion of the first Punic war. Thirdly, by Augustus, A. U. C. 725; and twice more by the same emperor, A. U. C. 729. And again about the time of our Saviour's birth. Then by Nero, A. U. C. 811. Afterward by Vespasian, A. U. C. 824. And lastly, by Constantine, when, upon Magnentius's death, he was left sole possessor of the empire, A. U. C. 1105. Vid. Casaubon, Not. ad Sueton. August. cap. 22.

Of this custom Virgil gives us a noble description:

Sunt geminæ Belli portæ (sic nomine dicunt)
Religione sacræ, et sævi formidine Martis:
Centum ærei claudunt vectes, æternaque ferri
Robora; nec custos absistit limine Janus.
Hæc, ubi certa sedet patribus sententia pugnæ,
Ipse, Quirinali trabæ cinctuque Gabino
Insignis, reserat stridentia limina consul;
Ipse vocat pugnas. Virg. Æn. 7.
Sacred to Mars two stately gates appear,
Made awful by the dread of arms and war:
A hundred brazen bolts from impious power,
And everlasting bars the dome secure,
And watchful Janus guards his temple door.
Here, when the fathers have ordained to try
The chance of battle by their fix'd decree,
The consul, rich in his Gabinian gown,
And regal pall, leads the procession on;
The sounding hinges gravely turn about,
Rouse the imprison'd god, and let the furies out.

The superstition of consecrating groves and woods to the honour of the deities, was a practice very usual with the ancients; for, not to speak of those mentioned in the Holy Scriptures, Pliny assures us, that trees in old time served for the temples of the gods. Tacitus reports this custom of the old Germans; Q. Curtius of the Indians, and almost all writers of the old Druids. The Romans too were great admirers of this way of worship; and, therefore, had their *luci* in most parts of the city, generally dedicated to some particular deity.

The most probable reason that can be given for this practice, is taken from the common opinion, that fear was the main principle of devotion among the ignorant heathens. And, therefore, such darksome and lonely seats, putting them into a sudden horror and dread, made them fancy that there must necessarily something of Divinity inhabit there, which could produce in them such an awe and reverence at their entrance. Kenn. *ibid.*

avert him from his purpose. Horatius, without shewing the least emotion, only answered, "Then cast the body where you please, I admit not of mourning," and finished the consecration. Thus Poplicola, in the close of his third consulship, received a sensible mortification: and no necessities of state obliging the people to continue him longer in office, Sp. Lartius, and T. Herminius (who had distinguished themselves in the war with Porsena), were chosen consuls for the next year.

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consul-
ship.

The new consulship proved a year of peace; the only remarkable thing the Romans did was shewing that they were a grateful people. Arunx, the son of Porsena, being an amiable youth, his father was desirous to have him gain some glory before he disbanded his troops, and therefore gave him the command of them, while he himself returned to Clusium. The young prince, eager to obtain a first victory, fell furiously upon the Aricians, and routed them, but he was afterward defeated by a stratagem of the Cumans, their allies, commanded by more experienced officers. He lost his life; and his scattered troops took refuge in the villages about Rome. The consuls invited them to the city, sent carriages for the wounded, made provision for their cure at the public expense, and allotted a quarter in the city for those of them who were willing to settle in it. It was afterward called the Tuscan or Hetrurian street.

D. Hal.
p. 304.
Livy,
b. 2.
c. 14.
In Lati-
um.

From
Campa-
nia.

CHAP. III.

SECT. I. The Romans, in the consulship of M. Valerius (brother of Poplicola), and P. Posthumius, make war against the Sabines, and twice defeat them. II. The Sabines unite in a national body against Rome, where Poplicola is chosen consul a fourth time. Appius Claudius leaves the Sabines and comes over to the Romans, Appius with all his followers and dependants. The Sabines are again defeated. III. Poplicola dies. The Sabines upon his death take courage, and renew the war, in the consulship of P. Posthumius and Menenius Agrippa, who obtain a signal victory over them. IV. An ovation only is decreed Posthumius, but a triumph to Menenius. V. The Sabines are subdued in the succeeding consulship of Sp. Cassius and Opiter Virginus.

Claudius.
us.
250.
Ovation.
255.

§ I. ROME, since the new modelling of her government, being, as we have already seen, utterly destitute

Year of
ROME
448.
B.C. 304.

Fifth
consul-
ship.
D. Hal.
b. 5.
p. 305—
307.
Livy,
b. 2.
c. 16.

of allies, and always apprehensive lest the ill-extinguished fire of the royalist party should break out into a new flame, the Sabines, who knew her weak condition, thought this a favourable opportunity to put it out of the power of that imperious city to give law any more to her neighbours. They began the war by incursions and depredations on the Roman lands. M. Valerius (brother of Poplicola) and P. Posthumius were now consuls; and before they would have recourse to arms, they sent envoys in an amicable way to demand satisfaction of the Sabines for the injuries the republic had suffered; but receiving only a contemptuous answer, they both took the field. The Roman forces were divided into two bodies. Posthumius with one of them encamped near Rome, to prevent a surprise from the Tarquins, who had many friends in the city. Valerius, with the other, posted himself at Tiber upon the Anio, the enemy being encamped on the opposite shore. That part of the river, near which they lay, being by an accident found fordable, Valerius made all his troops pass, and drew them up in battalia on the same side with the enemy. A general engagement quickly ensued. Valerius, assisted by the counsels of his brother, gained some advantage with his right wing, but his left lost ground; it was almost pushed into the river, when Posthumius having notice of the action, came seasonably to the relief of the Romans, charged the enemy in flank, and recovered the day. The Sabine troops would have been entirely cut off, or made prisoners, if the night coming on had not given them an opportunity to escape. They left their camp to be plundered, and in separate parties returned home. This was the first considerable advantage Rome gained over her enemies after she became a republic, and it revived the old Roman confidence. The two generals were decreed a triumph; but they both entered Rome in the same chariot. As a farther reward for Valerius (who is said by Plutarch to have gained in

Plut.
Popl.
p. 107.

this same year a second victory over the Sabines; in which he slew 13,000 of them without the loss of one Roman), the republic built him a house, the door opening outwards to the street; whereas the doors of all other houses opened inwards. The design of this distinction was not only to do him honour, but to put him in mind, as often as he went in or out, that he was indebted to the public for his house. As for Posthumius, he was honoured with a privilege, never before granted to any, which was, to have a burial-place for himself and his family within the walls of Rome. Thus did the first Romans keep up an emulation among their generals, rather by distinguishing marks of honour, than substantial rewards. They did not heap wealth upon them, but taught them to prefer the glory, which attends great actions, to exorbitant riches, which often give umbrage, and are always odious in a republic.

Year of
R O M E
240.
B.C. 504.

Fifth
consul-
ship.
Plin.
b. 36.
c. 15.

Cic. de
Leg.
b. 2.

§. II. THE Sabines, the next year, having formed the design of uniting in a national body against Rome, and of engaging the Latins to assist them, the Romans thought it advisable to choose Poplicola consul a fourth time, and they once more joined T. Lucretius with him. But it happening at this time, that some women were delivered of monstrous or imperfect births, the people gave way to superstition, and were unwilling to enter upon action, imagining, by these presages, that it must prove a fatal year. Upon this, Poplicola caused the Sybil's books to be consulted, and he interpreted the answers in the sense that best suited his purpose; he likewise ordered sacrifices to be offered to Pluto, the festivals and sports to be revived, and in a word, by artful management removed the public fears.

Year of
R O M E
240.
B.C. 503.

Sixth
consul-
ship.

Plut. Vit.
Popl. 108.

In the meanwhile, the storm continued to gather on the side of the Sabines. One of the Tarquins had, by his intrigues, put in motion the turbulent and factious members in their assemblies. Poplicola endeavoured

D. Hal. b.
5. p. 307.
Livy, b.
2. c. 16.
Plut. Vit.
Popl. p.
108.

Year of
ROME
549
B.C. 503.

Sixth
consul-
ship.

therefore to bear down the interest of the banished king, by negotiation ; and he so far succeeded as to gain over Actius Clausus (the most considerable man in Sabinia, and of the greatest talents and merit) to oppose the design of renewing the war. He spoke in all the Sabine diets against it ; and his opposition had its due weight. But those who envied him for his wealth and power, took occasion from this proceeding to put a bad construction on the good understanding he had with the Romans ; and they spread by degrees such a jealousy and distrust of him through the nation, that at length nothing less was talked of than citing him as a traitor to appear before their great council. Clausus provoked by this unjust treatment, his first thought was to arm his friends and clients, and begin a civil war. No measure could have been more advantageous to Rome : but Poplicola dissuaded him from polluting his hands with the blood of his countrymen : he represented to him, that the most honourable and most effectual way to be revenged upon them, would be to leave them ; that a man of his consequence, abilities, and virtues, would soon be missed ; and that Rome offered him a retreat and protection both for himself and followers. Clausus remained awhile in suspense ; but at length chose rather to act a proud than an angry part, and removed to Rome. There he changed his name to Appius Claudius, was immediately declared a patrician, and took his place in the senate. Twenty-five acres of land were given him in fee, and a quarter in the city assigned for his friends and followers, amounting to 5,000 families ; to each of which were granted two acres of ground, with the rights of citizenship. And these donations were made irrevocable by a decree of the senate, confirmed by the suffrages of the people.

D. Hal.
h. c.
p. 306.
209.

The Sabines, enraged at the retreat of Clausus to Rome, deferred no longer to take the field. Their army they divided into two bodies, one of which encamped

near Fidenæ; the other shut itself up in that town, which was but five miles from Rome. Poplicola and Lucretius made a like division of the Roman troops, and encamped advantageously near each other. The Romans, having no opportunity for stratagems, were eager to engage: but the Sabines durst not come to a battle by daylight. Their general (who is said to have been one of Tarquin's sons) formed a design to attack Poplicola's camp in the dead of the night, while the troops of Fidenæ, light armed, were to march out, and fetching a large compass, come behind, and surprise Lucretius's camp, as soon as he should leave it to go to the succour of his colleague; and then those same troops were to charge Lucretius in the rear, or at least terrify him by their shouts. Poplicola had timely intelligence of these designs, and took proper measures to make them fatal to the enemy. He gave Lucretius notice of the intended night expedition; and it was agreed between them to shew no marks of suspecting the enemy's intention; in the beginning of the night all fires were put out in both the Roman camps. The Sabines before midnight marched silently towards Poplicola's intrenchments, filled up the ditch with fascines, and passed over to scale the rampart; but as fast as they drew near to it, they were stabbed by the Roman troops, who, unseen, were posted on the outside of it, in the space between it and the ditch. They suffered a great slaughter, before the moon rising discovered their error. Then a fright seized them, they all fled, and the Romans pursued them with loud shouts, which were heard in Lucretius's camp; who immediately detached his horse against those of the enemy who lay in ambush behind him, while he with his infantry hastened to complete the destruction of those whom Poplicola had routed. In this bloody action 13,000 Sabines were killed upon the spot, and 4200 made prisoners.

Year of
Rome
540.
B.C. 508.
Sixth
consul-
ship.

P. 310.

What now remained was to reduce Fidenæ, which

Year of
R O M E
250.
B.C.502.

Seventh
consul-
ship.

had been often subdued, and had as often rebelled. Poplicola undertook to scale the walls in person, on that side where the city was thought most impregnable. Having carried the place by assault, he put to death the heads of the revolt, but spared the rest of the inhabitants, obliging them only to surrender to the garrison, which he placed with them, a part of their lands for its support. He then returned to Rome, and was honoured with a triumph.

Year of
R O M E
251.
B.C.501.

Eighth
consul-
ship.
P. 314,
315.
Livy,
b. 2.
c. 16.
Plut.
Popl.
p. 109.

§. III. POPLICOLA had scarce resigned the fasces into the hands of P. Posthumius (now chosen to the consulate a second time) and Menenius Agrippa, when he was seized with a distemper, and died, as destitute of the goods of fortune, as full of glory. His chief care had been to transmit his virtues to his children, not to enrich them. Though he had been four times consul, and had enjoyed two triumphs, he left little more to his posterity than a noble model for their imitation: so that he was buried at the public expense, not so much by way of distinction, as on account of his poverty. The Romans erected a tomb for him near the forum, and gave his family a right of interment in the same place: but as the Valerii always affected popularity, they never made use of this privilege. The bodies of those who died in Rome were first carried to that sepulchre, but afterward conveyed without the walls, and there burnt, and the bones were deposited in a tomb without the city. As Poplicola had been one of those who stood up in defence of the chastity of the Roman ladies, they went into a year's mourning for him, as they had done before for Brutus.

D. Hal.
b. 5.
p. 311.

The death of Poplicola revived the courage of the Sabines; they took the field again that same year, and made so sudden an incursion upon the Roman territory (which they pillaged and laid waste), that one part of their army was advanced to the very gates of Rome, before the Romans had any notice of their approach. Posthumius, the

consul, sallying out with a good number of men hastily assembled, and chasing those advanced troops of the enemy to a forest, where the rest of the Sabine forces lay in ambush, was there surprised and defeated, losing many of his Romans, and narrowly escaping himself. He took refuge with the remains of the rout on the top of a steep hill, where he passed the night, invested by the enemy. But the next day his colleague Menenius coming to his relief with the best part of the Roman youth, the Sabines retired. Nevertheless the advantage they had gained raised their confidence to such a height, that they sent a summons, requiring the Romans to receive the Tarquins, and submit to be governed by their conquerors. They were answered, that Rome commanded the Sabines to lay down their arms, and return to their duty; and that when they had made their submission they should come and ask pardon for their irruptions into her territory, if they expected any indulgence, or had no mind to see the war speedily carried into the heart of their country.

Year of
R O M E
550.
B. C. 502.
Seventh
consul-
ship.

P. 312.

These mutual bravadoes were followed by a serious war, in which both nations brought all their strength into the field, and encamped near Eretum, a Sabine city about ten miles from Rome. In the battle which ensued, Menenius commanded the right wing, and Posthumius the left. The latter, to repair his honour, threw himself, like a man in despair, among the thickest of the enemy, and did prodigious acts of valour; and, as Menenius likewise, urged by his example, exerted himself in an extraordinary manner, the Romans, animated by two such leaders, obtained a complete victory.

P. 313.

§. IV. BUT notwithstanding the equal bravery of the consuls on this occasion, the senate, having deliberated on the reception to be given them at their return, thought it necessary to make a distinction in their rewards. Posthumius's gallant behaviour in the last action had not sufficiently atoned for his miscarriage, in

Year of
R O M E
250.
B.C. 602.

Seventh
consul-
ship.
Licinus
apud
D. Hal.
p. 314.
Pliny, b.
c. 29.

suffering himself to be surprised in the former. They invented therefore a new kind of triumph, less honourable than that in use: the person rewarded with it was to enter Rome on foot, or at best on horseback, attended only by the senate: his crown was to be of myrtle, and his robe the prætexta, or common habit of magistrates: and this imperfect triumph, called ovatio,¹ they decreed to Posthumius. The modest consul accepted of it, and entered Rome two days before his colleague, who was honoured with a complete triumph in all its magnificence and pomp.

Year of
R O M E
251.
B.C. 501.

Eighth
consul-
ship.
D. Hal.
p. 315,
316.

§. v. SPURIUS CASSIUS and Opiter Virginius, the succeeding consuls, divided the Roman forces between them; and Cassius had commission to give the Sabines the finishing blow. He defeated them in a pitched battle in the heart of their country, slew 10,300, and took 4,000 prisoners; after which they humbly sued for peace, and were forced to purchase it with corn, money, and a part of their lands.

In the mean time Virginius marched with his army and surprised Camerium, a town of Latium which had revolted from the Romans. Having beat down the wall with his battering-rams,² he took the place by assault,

¹ The ovation some fancy to have derived its name from shouting *Evan!* or *Evoo!* to Bacchus; but the true original is *ovis*, the sheep, which was usually offered in this procession, as an ox in the triumph. The show generally began at the Albanian mountain, whence the general, with his retinue, made his entry into the city: he went on foot, with many flutes, or pipes, sounding in concert as he passed along, wearing a garland of myrtle as a token of peace, with an aspect rather raising love and respect than fear. A. Gellius informs us, that this honour was then conferred on the victor, when either the war had not been proclaimed in due method, or not undertaken against a lawful enemy, and on a just account; or when the enemy was but mean and inconsiderable. (Noct. Att. lib. 5. cap. 6.) But Plutarch has delivered his judgment in a different manner: he believes that heretofore the difference betwixt the ovation and the triumph was not taken from the greatness of the achievements, but from the manner of performing them; for they who having fought a set battle, and slain a great number of the enemy, returned victors, led that martial and (as it were) cruel procession of the triumph. But those who without force, by benevolence and civil behaviour, had done the business, and prevented the shedding of human blood, to these commanders custom gave the honour of this peaceable ovation. For a pipe is the ensign or badge of peace, and myrtle the tree of Venus, who, beyond any of the other deities, has an extreme aversion to violence and war. Plut. in Marcell. Ken. Antiq. part 2. b. 4. c. 16.

² The battering-ram was a great wooden beam, bound about with iron at the end, or armed with a head of iron, representing that of a ram. The ancients used it to beat down the walls of a city. Vitruvius ascribes the invention of the battering-

beheaded the most guilty of the inhabitants, sold the rest, and razed the city.

Year of
R O M E
251.
B.C.501.

ram to the Carthaginians. They made use, says he, of this sort of battery at the siege of Cadiz. At first, it was only a mere beam, or kind of lever, which the besiegers drove against the walls, with repeated blows, by strength of arm. Pephastomenos, a carpenter of Tyre, taking the hint from the first trial which was made of this machine, fixed up a mast of a ship, to which he hung crossways, by cables and iron chains, a huge piece of timber. This heavy unweildy mass, poised and pushed with violence, threw down the walls of the city besieged. After this manner, as Josephus tells us, (b. 3.) the Romans set their ram against Jerusalem. To guard the machine, and those who worked it, from the attacks of the enemy, Cetras of Chalcedon was the first who made a sort of pent-house, or gallery, covered over with skins soaked in water, to preserve it from fire. It went upon wheels, that the ram, which was hung up within, upon one or two rafters, might be brought forward with greater ease. This was afterward called the ram-tortoise, either because its motion was slow, according to Vitruvius: or, as Vegetius has observed, because the machine resembled the figure of a tortoise, who puts his head out of his shell, and draws it in again, in like manner as the head of the ram moved out and in, as there was occasion. Above the tortoise there was sometimes raised a sentry-box, in the form of a turret, where two soldiers were posted, to observe the motions of the besieged. Vitruvius assures us, that Polydus of Thessaly perfected the tortoise at the siege which Philip of Macedon, son of Amyntas, laid to Byzantium. The make and disposition of the machine was in this manner. He made a covered gallery, thirty cubits wide, and fifteen high, without reckoning the roof, which itself was seven from the platform to the ridge. Over the roof he raised a little tower, at least twelve cubits wide. It contained four stories, in the uppermost of which were put the scorpions, and the catapults. In the lower stories was placed a great quantity of water, to extinguish the fire which might be thrown from the top of the ramparts. Vitruvius makes the length of the ram 106 feet; Plutarch, 80 only. The ram-tortoise is described in these verses of Propertius:

Dumque aries cornu murum pulsabat aheni,
Vineaque inductum longa tegebat opus. l. 4.

Vitruvius, Vegetius, and Justus Lipsius, have expatiated upon the different forms of this ancient engine of war; but they all amount to the same thing. C. & R.

Eighth
consul-
ship

CHAP. IV.

230. * SECT. I. The Latins (in the consulate of Posthumius Cominius and T. Lartius) declare for King Tarquin against the new republic; but before they take the field, send an embassy to Rome with proposals for an accommodation. II. A conspiracy is there formed by some of Tarquin's emissaries, who accompany the Latin ambassadors. The plot is discovered and prevented by the consuls Servius Sulpitius and Manius Tullius; and the ambassadors are dismissed with a refusal of their demands. III. The Latins dispatch a second embassy to Rome with offers of peace, upon new conditions; these are also rejected by the senate. The Romans prepare for war: but when the consuls Titus Lartius and Q. Cloelius would make the necessary levies, the poorer citizens refuse to serve. IV. The cruelty of their creditors is the cause of this mutiny. The debtors demand an absolute remission of their debts. Great disputes arise in the senate on this occasion. In so dangerous a situation of affairs they judge it necessary to create a dictator (a sovereign uncontrollable magistrate), and to this they get the people's consent. V. Titus Lartius is appointed to that supreme dignity. The levies for the war are now carried on without difficulty. After very little action in the field, a truce is made with the Latins for a year; during which the Roman women married into Latium, and the Latin women married at Rome, have leave to return to their respective countries. VI. The truce being expired, Posthumius, one of the consuls, is named dictator, and has the sole conduct of the war. He gives the Latins an entire overthrow in the battle of Regillus; after which the whole nation submits. Tarquin, being obliged to quit Latium, retires to Cumæ in Campania, and there, in a few months after, dies.
253. Dictator.
256. Battle of Regillus. Tarquin dies.
- 257.

Year of
R O M E
252.
B.C. 500.

Ninth
consul-
ship.
D. Hal.
b. 5.
p. 316.

THE next year, when Posthumius Cominius and T. Lartius were consuls, a very important event gave a new alarm to the rising republic. The Latin nation, which had hitherto stood neuter in the quarrel between Rome and her banished king, came at length to a resolution openly to espouse the king's cause. It was Mamilius, Tarquin's son-in-law, who by his pressing instances had brought his countrymen to this determination. M. Valerius, the brother of Poplicola, had just been deputed by the Romans to those of the Latin cities that were nearest Rome, to complain of some of their people, who (by secret directions of the chief men among them) had made inroads and depredations in the territory of the republic. Hearing that the Latins were assembled in a national council at Ferentinum to deliberate on a war with the Romans, Valerius hasted thither, though not invited, and there demanded, as a deputy from Rome, the chief seat in the council; a right due to him by the treaties subsisting between the two nations. To this it was answered, that those treaties had been shamefully

violated by the Romans; at whose instigation, as the deputies from Aricia alleged, Porsena's troops had made their attack upon the Aricians, in which his son Arunx was slain. Some exiles also from Fidenæ and Cæmerium complained loudly of the cruelty of the Romans. And it was farther added by the partisans of Tarquin, that the Latin confederacy having been concluded with the king, and not with the republic of Rome, the latter could claim no benefit from that transaction. The deputies, however, came to no determination that day; it was wholly spent in accusations and replies: but the very day following, when they met again, they refused to admit Valerius into their assembly; and it was signified to him, that the Latins, thinking themselves, in many instances, greatly injured by the Romans, had resolved to consider at leisure of proper revenge.

Year of
R O M E
252.
B. C. 500.
Ninth
consul-
ship,
P. 317.

It was at this time, and upon the news of the danger that threatened Rome from the Latins, that (according to Livy) the senate first thought of creating a dictator; though they did not put that project in execution till a more difficult conjuncture. During the present alarm from abroad, they happily discovered a conspiracy formed at home by a number of slaves, who had combined together to seize the capitol, and set fire to the city in several quarters at the same time. The offenders were all crucified.

Livy,
b. 2.
c. 18.
D. Hal.
p. 317.

In the following consulship of Serv. Sulpitius and Manius Tullius, the Tarquins, in concert with some of the inhabitants of Fidenæ, found means to possess themselves of that city by surprise. Though the Roman senate had good reason to suspect that many of the chiefs of Latium were concerned in this affair, yet were they in no haste to declare war against the Latin people, being well assured that the lower order of men among them were not in the same dispositions with the nobles, but rather averse from any rupture with Rome. But as to the Fidenates, the consul Manius marching with a

Year of
R O M E
253.
B. C. 499.
Tenth
consul-
ship.

D. Hal.
P. 318.

Year of
ROME
253.
B. C. 409.

Tenth
consul-
ship.

numerous army, closely invested their city, and reduced them to great extremities. The besieged, in their distress, implored the assistance of the Latins; and this occasioned a new meeting of the deputies from the several cities of Latium.

Here the question was debated, whether a war should be absolutely declared against Rome in favour of Fidenæ and the Tarquins, or whether the Latins should adhere to the ancient treaties between the two states. Those of the council who hoped for great employments in case of a rupture were very warm for this side of the question, but the richest and the moderate men of the assembly were of the contrary sentiment, and this was also the most agreeable to the nation in general. The first however so far prevailed, as to obtain a decree, that an embassy should be sent to the Romans to exhort them to raise the siege of Fidenæ, and recall their banished king, who on that condition was to engage by oath to grant a general amnesty; the ambassadors were to allow the Romans a year to consider of these overtures, and to threaten them with a war in case of non-compliance.

The party who carried this point in the assembly very well knew that the republic would never listen to such proposals; but they were willing to have some plausible pretext for a breach, as also time to make due preparations for war; and they likewise hoped, that before the year was expired they should find means to gain over to them those of their countrymen who now opposed their measures.

v. 319. §. II. IN the mean time, Tarquin and his sons seeing how averse the people of Latium were from a war with the Romans, and having little hopes of any advantage from the embassy proposed, turned their thoughts to a more promising scheme. In the train of the Latin ambassadors they sent to Rome some emissaries of their own, who by the help of large sums of money were to

kindle an intestine war in the city. It was believed, and with good reason, that two sorts of men would be there found very ready to enter into this design; the slaves, and the meaner citizens overwhelmed with debt. The first knew themselves mistrusted by their masters, and wanted only an opportunity to revenge the severe treatment which their fellows had lately suffered; and as for the poor debtors, the cruel usage they daily received from their creditors made them easily believe there could be no change in the government but to their advantage. Tarquin's agents having secretly engaged a multitude of these unhappy men of both sorts to attempt a revolution, the parts they gave them to act were these: the poor citizens were at an appointed hour to possess themselves of the ramparts and gates of the city, and then to raise a great shout which was to be the signal for the slaves who lay round their masters to rise and massacre them: the gates of the city were then to be opened, and the exiles were to enter Rome while it was yet streaming with the blood of the senators.

Year of
ROME
258.
B. C. 499.
Tenth
consul-
ship.

It is almost incredible that of so great a number of vile and mercenary wretches, not one should be tempted by the prospect of rich rewards to betray the secret. Dionysius ascribes the preservation of Rome to a particular providence of God, who had taken this city under his protection. He tells us, that Tarquin's two principal agents, Publius and Marcus (both of his own name and family), were so terrified with nightly visions and frightful dreams, that they durst not proceed in their design, till they had consulted a diviner; that having asked him in general terms whether it was a proper time to execute a project they had formed, he advised them by all means to lay aside their project, whatever it was, for that otherwise it would assuredly prove fatal to them; and that upon this, they fearing to be prevented by some of the other conspirators, went straight to Sulpitius, the only consul then at Rome, and discovered

P. 320.

Year of
ROME
253.
B. C. 499.

Tenth
consul-
ship.

the whole matter to him. Sulpitius commended them highly, promised them ample recompense, and detained them in his own house, without imparting the secret to any body. Instantly he assembled the senate, when the first thing done was to call in the Latin ambassadors and give them their audience of leave, with an answer to their proposals. The answer was very short. The consul addressing them by the appellation of friends and kinsmen, told them the surprise the senate were under, that the Latins, who had been witnesses of the constancy of the Roman people when attacked by all the forces of Porsena, should threaten them with a war, unless they would submit to tyrants, and raise the siege of Fidenæ: and he concluded with a sort of defiance. The ambassadors being thus dismissed, were conducted out of the city.

- P. 321. Then Sulpitius laid open to the fathers the horrible conspiracy of which he had just got information. The truth of the fact seemed not to admit of a dispute; the only question was in what manner to apprehend and punish the guilty; and this was a nice point. To take the conspirators by force from their families and carry them to execution might raise a flame in every quarter of the city, and be attended with fatal consequences: nor was it by any means expedient to cite them in legal form before the judges; because should the accused be obstinate in denying the fact, the evidence of the two informers, who were the only witnesses, might be thought insufficient for a capital conviction of Roman citizens. Sulpitius therefore, to whom the senate left the whole conduct of this critical affair, took a method which he thought would equally serve to prove the guilt, and secure the punishment. He directed the senators to get together their friends and clients, and upon a signal to be given, to seize all the strong places of the city, each senator in that quarter where he lived. The Roman knights also were commanded to hold themselves ready
- P. 322.

in the houses adjoining to the forum, to execute the orders they should receive. And lest, upon the apprehending of the criminals, their relations or friends should raise a sedition, and occasion a bloody conflict between fellow-citizens, he sent to his colleague, who was besieging Fidenæ, to come away as soon as it was dark, with a chosen body of his troops, and post them near the ramparts of Rome. These precautions taken, the two informers, by the consul's direction, gave notice to the most active and leading men of the conspiracy to meet them exactly at midnight in the forum, under pretence of settling the last measures for the execution of their enterprise. Every thing succeeded according to the consul's scheme. The conspirators met at the time and place appointed; the senators, upon receiving the signal, possessed themselves of the strongest posts in all parts of the city; the knights invested the forum, so closely blocking up all the avenues of it, that nobody could possibly escape from thence; and at the same time the consul Manius being arrived from before Fidenæ, drew up his troops in the Campus Martius. The next morning, as soon as it was light, both the consuls, strongly guarded, appeared upon their tribunal, and having convened the people, discovered to them the conspiracy which had been formed against the common liberty, and produced the witnesses. Leave was given to the accused to make their defence, if they had any thing to say against the evidence; but not one of them had the boldness to deny the fact. Hereupon the consuls instantly repaired to the senate, whence they soon after returned, bringing with them a decree of the fathers, whereby the right of citizenship was granted to the two informers, together with a large pecuniary reward; and the conspirators were condemned to death, in case the people approved it. This decree being confirmed by the assembly, the multitude were then ordered to retire, and the criminals were delivered up to the soldiers and put to the

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ship.

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sword. And now as the peace of Rome was thought sufficiently secured by this stroke of severity, the consuls would receive no accusation against any other accomplices of the treason, but published an amnesty for all those who had escaped punishment. They also ordered that the Romans should purify themselves by expiations, because they had been constrained to dip their hands in the blood of their countrymen; after which they appointed sacrifices in thanksgiving to the gods, and three festival days for the celebration of public games. A melancholy accident disturbed the general joy on this occasion; the consul Manius fell from his chariot in the middle of the circus, and was so grievously hurt that he died a few days after. As the year was near expiring, Sulpitius remained sole consul to the end of it, the Romans not thinking it worth while to choose him a new colleague.

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ship.
D. Hal.
p. 324,
325.

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§. III. FIDENÆ continued to be invested, but was not taken during the following consulship of T. Æbutius and P. Veturius. But the next year, when T. Lartius and Q. Clælius were raised to that dignity, the former having the conduct of the siege, carried on the attacks with so much skill and vigour, that he at length forced the Fidenates to surrender at discretion.

D. Hal.
b. 5.
p. 326.

The reduction of Fidenæ struck a terror into the Latins, who had neglected to succour it as they might, and now repented of that neglect. Tarquin, Mamilius, and the Aricians, seized the opportunity furnished by their present fears, to unite them against the Roman republic. The deputies from the Latin cities being assembled at Ferentinum,* entered into a confederacy, and bound themselves by oaths never to violate their engagements.

* Livy only says, that thirty cities of Latium were in the confederacy against Rome. But D. H. gives us a list of them, by which it appears, that they were not all cities of the Latins: Ardea, Aricia, Bovilla, Bubentum, Cœra, Corventum, Cirœum, Corioli, Corbiantum, Cabanum, Fortimæum, Gabii, Laurentium, Lanuvium, Lavinium, Lavicium, Nomentum, Norba, Præneste, Pædum, Corootulum or Querquetulum, Satricum, Scaepia, Setia, Tellenium, Tibur or Tivoli, Tusculum, Toleria, Trerinum, and Velitræ.

However, before they began hostilities, they judged it proper to send to Rome a second embassy, consisting of some of the principal men of each city in the alliance. These being admitted to an audience of the senate, complained of the injustice of the Romans, who, they said, had formerly put the Hetrurians upon attacking Aricia ; and they added, that the only way for the republic to avoid the war which threatened her from the Latins, was to submit her quarrel with the Aricians to the decision of the Latin council. Though the fathers had never been in greater perplexity than at this time, because of the vastly superior strength of the Latin nation, yet they haughtily rejected the proposal ; and the war being now looked upon as unavoidable, they turned their thoughts wholly to fortify themselves by alliances, and get assistance from their neighbours. To this end they sent about to the several states with which they were surrounded ; but their negotiations proved every where unsuccessful ; the Hernici required time to examine the rights of the two parties ; the Rutuli declared for the Latins ; the Volsci insulted the Roman ambassadors ; and as for the Hetrurians, they resolved to stand neuter for awhile, and then choose their side, as the events of the war should guide them. These disappointments, how great soever, did not discourage the senate ; but what was worse than all these, the republic had in their own bosom rebellious children, who refused to lend their aid for the defence of their country.

§. IV. IN order to a right understanding of the true source of this intestine evil, it will be necessary to call to mind some particulars in the manners, customs, and policy, of the Romans, during these early ages of their state.

Of all the means which the necessities of nature have put men upon inventing for subsistence, the Romans

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* N. B. In what follows in the text, to the year of Rome 371, frequent use has been made of Monsieur Veriot's History of the Revolutions which happened in the government of the Roman commonwealth. Care, however, has been taken to avoid many things, in that work, which were found to be the pure product of his imaginu-

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practised only tillage and war. They lived upon their own harvests, or upon those which they reaped sword in hand in the territories of their enemies. All the mechanic arts, not subservient to these two professions, were unknown at Rome, or left to slaves and strangers. The Romans, generally speaking, from the senator to the meanest plebeian, were all husbandmen, and the husbandmen all soldiers: and we shall see in the course of this history, that some of their most renowned captains were called from the plough to command their armies. The very greatest men in the republic inured their children to a hard and laborious way of life, to make them the more robust, and the more capable of sustaining the fatigues of war.

D. Hal.
et Var.
de Re
Rust.
l. 1.

This domestic discipline had its rise from the poverty of the first Romans: they afterward made a virtue of what was the mere effect of necessity; and men of noble minds considered this equal poverty of all the citizens, as the means to preserve their liberty from usurpation. Each citizen had at first, for his subsistence, but two acres of land. Rome afterward extended her territory by acquisitions from her neighbours. The Romans usually sold one moiety of the lands they conquered, to reimburse the state for the charges of the war, and added to the public domain the other moiety, which was afterward either given or let at a small rent to the poorer sort: such was the ancient custom of Rome, under her kings. But, after the extinction of the regal power, the nobles and patricians, who looked upon themselves to be the only sovereigns of the republic, did, under various pretences, appropriate to themselves the best part of those conquered lands, if they lay near their own estates, or were any other ways convenient for them; thus insensibly enlarged their own revenues to the diminution of those of the republic: or else, under borrowed names,

tion, as also many errors or misrepresentations; and to make such additions to his accounts as were necessary to the nature of this more general history of Rome.

they caused those portio which were allotted for the subsistence of the poor citizens to be adjudged to themselves at inconsiderable rates. They afterward laid them to their other lands, without distinction; and a few years' possession and their own great power covered these usurpations. The state lost its revenue; and the soldier, who had spent his blood to enlarge the bounds of the republic, saw himself deprived of the small portion of land that ought to have been at once his pay and his reward.

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The covetousness of some patricians was not confined to these usurpations only: but when the harvest fell short by the badness of the year, or by the irruptions of enemies, they knew how, by an ill-meant relief, to make themselves a title to their neighbour's field. The soldier, being then entirely destitute, for he had no pay, was forced, for his subsistence, to have recourse to the rich. They lent him no money but at usury; which, in those days, if we may believe Tacitus, was arbitrary. The debtor must engage his small estate; and the cruel assistance he received often cost him his liberty; for the laws allowed the creditor, upon default of payment, to seize his debtor, carry him to his own house, and there treat him like a slave. Both principal and interest were often exacted with stripes and torments; his land was taken from him by accumulated usury; and, under pretence of the observation of the laws and strict justice, the people daily suffered the utmost wrong.

Tac. Ann.
l. 6. ad
Ann. 786.

A government so severe, in a new republic, quickly raised a general discontent. Those of the plebeians who were oppressed with debts, and afraid of being arrested by their creditors, applying themselves to their patrons and the most disinterested among the senators, represented to them their extreme want, the difficulty they had to bring up their children, and how hard a case it was, that after fighting successfully against the Tarquins in defence of the public liberty, they should be exposed to become the slaves of their fellow-citizens.

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These complaints were followed by secret menaces ; and the plebeians, finding no redress of their grievances, at length broke out into open sedition, under the consulate of T. Lartius and Q. Clælius, on occasion of the powerful confederacy formed against the commonwealth, by the Latins and their allies. As Rome had no soldiers but her own citizens, it was necessary to make the people take arms ; but the poorest sort, and especially such as were plunged in debt, declared, that it was the business of those who enjoyed the dignities and riches of the republic to defend it ; that, for their own parts, they were weary of exposing their lives every day for masters so cruel and insatiable. Accordingly they refused to give their names in,* to be listed for the service. The hottest of them said boldly, that they were no more tied to their native country, where not an inch of land was left them in property, than to any other country though never so remote ; that at least there they should have no debts to pay ; that the only way to free themselves from the tyranny of their creditors was to leave Rome : and they

* It was the province of the consuls to direct the levying of men for the war. The two consular armies, generally speaking, consisted at this time of four legions, each containing at least 4200 foot, and 300 horse. The manner of making the levies was as follows :

After the consuls had chosen twenty-four tribunes (or colonels), fourteen from among the Roman knights, and ten from among the plebeian families, six of these tribunes were appointed to every legion, to command and lead it : and it was the business of all the tribunes to choose their soldiers in the following manner : every tribe of the Roman people was brought into the area before the capitol, one tribe after another, according to the order in which it was their lot to be summoned. The first tribe called was divided according to the order of the classes, regard being had to their superiority, i. e. their riches. After this, four persons, who were of age to serve, were called out of these classes ; and the tribunes of each legion chose one of the four into their legion. The tribunes of the first legion chose the first man, the tribunes of the second legion the second man, and so on. When these four were thus distributed, four others were called ; and then the tribunes of the second legion had their turn of choosing the first man : so that the tribunes of each legion had the first choice, one after another, according to the order of their legion ; and every legion was very near equally furnished with good men. After a certain number of soldiers were chosen out of one tribe, another was called in ; and the same number was chosen out of that, in the same manner, till the legions were sufficiently full.

Here we must observe, that the Roman knights, as being higher in rank, came sooner to the tribuneship than the plebeians. But neither of them could be chosen legionary tribunes, till they had served half of the time the laws prescribed them. Thus the knights who were obliged to ten years' service might be promoted to the tribuneship after five campaigns, whereas the plebeians could not come to it till after ten years' service in the army, because they were obliged to serve twenty complete. The latter were called *seniores tribuni* ; and the former, *juniores tribuni*. C. & R.

loudly threatened to abandon the city, unless all debts were abolished by a *senatus-consultum*.

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The senators, much disturbed at a disobedience so little different from a barefaced rebellion, immediately assembled: various opinions were given. M. Valerius, the brother of Poplicola, and who after his example affected popularity, represented to the fathers, that most of the poor plebeians had been forced to contract debts only by the misfortunes of war; that if in such a conjuncture as this, when a great part of Italy had espoused the cause of Tarquin, they did not redress the grievances of the people, it was to be feared, despair might drive them into the tyrant's party; and the senate, by stretching their authority too far, might lose it all in the re-establishment of the royalty. Several of the senators, and especially those who had no debtors, declared themselves of the same opinion; but it was rejected with indignation by the rich usurers. Appius Claudius also opposed it, but from different motives. Austere in his manners, and a severe observer of the laws, he maintained that no alteration could be made in these, without endangering the republic. Though he commiserated the condition of the poor (many of whom were daily relieved by his bounty), he nevertheless declared in full senate, that they could not with justice refuse the authority of the laws to such creditors as would prosecute their debtors with rigour; that justice was the surest support of a state; that there was no abolishing the debts of particular persons without ruining the public faith, the only bond of society; that the people themselves, in whose favour this unjust decree was proposed, would be the first sufferers by it; that in any new necessity they would get no succour from the rich; that the discontent of the great was no less to be feared than that of the people, and that perhaps the former would not easily bear to be stripped of that wealth, which had been left them by their ancestors, or was the fruit of their own

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D. Hal.
b. 5.
p. 328,
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P. 330,
et seq.

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temperance and economy. He added, that Rome, at the beginning, assigned no greater portions of land to the patricians than to the plebeians; that these latter had but lately shared the estate of the Tarquins; that they had often got considerable booty in war, and that if they had squandered it all away in extravagant living, there was no reason why they should be reimbursed at the expense of those who had lived with more prudence and good management: that it should be farther considered, that those of the mutineers who made the most noise were plebeians of the very lowest classes, and who in battle were usually placed only in the wings or in the rear of the legions; that most of them were armed with nothing but slings; that there was neither great service to be expected nor great danger to be feared from such soldiers; that the republic, in losing them, would suffer but a very inconsiderable loss; and that to despise the sedition was sufficient to quell it, and make the authors of it submit themselves to the clemency of the senate.

Some of the fathers who were for finding a medium between two opinions so extremely opposite, proposed, that, without cancelling the debts, they should take away the creditors' power over the persons of their debtors. Others were for remitting the debts of those only who were notoriously unable to pay. Some again, to save the public faith, and at the same time satisfy the creditors, proposed to pay them out of the public treasury. And lastly, it was the judgment of others, that such of the citizens as had been sold,* or were in danger

* When the debtor was insolvent, the creditor had a right to put him in irons, or to sell him as a slave. Sometimes he was cruel enough to whip him unmercifully. After a certain number of summonses, the law granted to the debtor thirty days of grace, to give him time to raise the sum for which he was accountable. These are the words of the law: "*Æris confessi, rebusque jure judicatis, triginta dies jasti sesto: Post idea manus endojectio esto.—Vincito aut nervo aut compedibus.*"—After the thirty days were expired, if the debtor had not discharged the debt, he was led to the prætor, who delivered him up to the mercy of his creditors. These bound him and kept him in chains, for the space of sixty days. Afterward, for three market-days successively, this debtor was brought to the tribunal of the prætor. Then a public order proclaimed, in the forum, the debt for which the prisoner was detained. Oftentimes there were found rich persons who redeemed the prisoners, by paying their debts. But if nobody appeared in behalf of the debtor, after the third market-

of being sold, to satisfy their debts, should be redeemed from slavery, by giving the creditors other slaves in their room.

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The senate adopted none of these schemes; but in order to pacify the people, and engage them to take arms in defence of the state, they decreed a suspension of all prosecutions for debt till the end of the war.

This condescension of the fathers was owing to the fear of the foreign enemy. But a great many of the plebeians, grown bolder for the same reason, declared that they would either have an absolute remission of all debts, or leave it to the rich and great to take care of the war, and defend a city, in whose safety they thought themselves no longer concerned, and which indeed they were ready to leave. The number of the malcontents increased daily; for, among the people, many who had no debts of their own could not help complaining of the severity of the senate, either through compassion for the debts of their own order, or out of that secret aversion which every man naturally has to behold, in others, a spirit of domination.

Thou the richest of the plebeians, and especially the clients of the nobles, had no part in the sedition; yet the separation which the malcontents threatened, and their obstinate refusal of taking arms, were of dangerous example, especially at a time when the republic was going to be attacked by the greater part of the Latin forces, commanded by the sons and son-in-law of Tarquin. The senate might indeed have prosecuted the

day, the creditor had a right to sell him, or to imprison and make him a slave in his own house; which was called coercion. Such imprisoned slaves were styled *nexi*, and not *servi*, because their slavery lasted no longer than till their debts were paid. This coercion was afterward changed into public imprisonments, which was a less rigorous punishment than the slavery the debtors underwent in their creditors' houses. Cat. & Rouil.

It has been thought, that, by one of the decemviral laws expressed in these terms, "*Si plures sint, quibus reus sit addictus, tertiis nundinis partes secanto; si plus minusve secuerint, se fraude esto*," if an insolvent debtor had several creditors, they could cut his body into as many parts, and so share him among them. But it is not probable that the law had any such meaning. Doubtless by cutting or dividing the debtor, we ought to understand dividing the price of his body sold. Bynkershoek, l. 1. c. 1.

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ship.
P. 334.

most active in the mutiny; but then the *lex Valeria*, which allowed appeals to the assembly of the people, was a shelter for the guilty, who were sure of being acquitted by the accomplices of their sedition. To elude the effect of a privilege that put such a restraint upon their power, the fathers resolved to create one supreme magistrate, who, with the title of dictator,^b should be equally above the senate and assembly of the people, and be invested with absolute authority. And in order to obtain the people's consent, it was represented to them in a public assembly, that in so difficult a conjuncture, when they had their domestic quarrels to decide, and the enemy to repulse at the same time, it would be expedient to put the commonwealth under a single governor, who, superior to the consuls themselves, should be arbiter of the laws, and, as it were, the father of his country: that, nevertheless, lest he should abuse his uncontrollable authority, by making himself a tyrant, they ought not to trust him with it above six months.

§. v. THE people not foreseeing the consequences of this change, agreed to it;^c and then the only thing that remained, was to pitch upon a man duly qualified for so great and important a trust. Titus Lartius, one of the present consuls, appeared to the senate to be of all men the most unexceptionable: yet they were unwilling to offend his colleague by an invidious preference. The expedient they fell upon was to give the two consuls the power of naming the new magistrate, but with this limitation, that he should be one of the two, not doubting but Clælius would readily yield to the superior talents of Lartius. Nor were they disappointed in this expectation. But then Lartius, no way behind his colleague in modesty or generosity, with the same readiness re-

^b This magistrate was also called *magister populi* and *prætor maximus*.

^c It seems not improbable that the people were induced to consent to this change, partly from the flattering hopes which persons in distress usually conceive from all inexperienced changes in the government; and partly from the knowledge their leaders had of the temper and character of the person destined to the high office in question: for we shall find that Lartius was a friend to the poor plebeians.

mitted the high honour in question to him ; and a contest arose between them, which of the two should advance the other to sovereign authority. The dispute did not end the first day ; but the day following, when the senate met again upon this weighty affair, Clælius finding that he could no other way prevail, started up on a sudden, and after the manner of an interrex, proclaimed Titus Lartius dictator,^d instantly abdicated the consulship, and descended from the tribunal.

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consul-
ship.
First
dictator-
ship.

P. 336.

This new kind of government erected at Rome might be called an absolute monarchy in a republic, though not durable. The moment the dictator was named, he had power of life and death over all the citizens of every degree, and without any appeal.^e The authority and the functions of all other magistrates ceased, or were subordinate to his. He had the naming of the general of the horse, who served as his lieutenant-general, and was wholly at his command. Twenty-four lictors, armed with axes (as those of the kings had used to be), attended him. He might raise troops or disband them, at his pleasure. Whenever war was declared, he commanded the armies, without being obliged to consult either the people or the senate, concerning his enterprises ; nor, when his authority expired, was he obliged to give an account of any thing he had done during his administration.

Ibid.

Livy,
b. 2.
c. 18.

T. Lartius being invested with this great dignity, named, without the participation either of senate or people, Spurius Cassius Viscellinus for general of the horse ; and in all his proceedings, though he was indeed one of the most moderate of the whole senate, he outwardly affected a stately reserve, and a peremptory man-

D. H. l.
p. 338. A

^d It became the custom for this magistrate to be chosen only in the night *via voce*, by one of the consuls : and this choice was to be confirmed by the divination from birds. His power was confined in two other respects beside that of time. He was not allowed to march out of Italy, lest he should take advantage of the distance of the place to attempt something against the common liberty ; and he was always to march on foot, except in case of a tedious or sudden expedition, and then he formally asked leave of the people to ride.

^e This was doubtless the intention of the senate at the time when a dictator was first created : but we shall hereafter find an appeal from the sentence of a dictator to the assembly of the people.

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ship.
First
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ship.

ner, to awe the people into their duty. They found that under so resolute a master, who would not fail to make an example of the first that should rebel, submission was the only course they had to take.

All mutiny and murmurings being thus silenced, the dictator commanded a census to be taken of the people, according to the institution of King Servius Tullius; and there appeared to be in Rome 150,700 men who were past the age of puberty. Out of these he formed four armies. The first he allotted to himself, the second to Clælius his late colleague, the third to Cassius his general of the horse; and these three were to take the field against the Latins; the fourth, under the command of the dictator's brother, Spurius Lartius, was to stay in Rome and guard the city.

P. 339.

The Latins were not so forward in their preparations for the war as their menaces had given cause to fear they would be; so that there was little action this campaign. The dictator having intercepted a detachment which they had sent to ravage the Roman territory, treated the prisoners more like allies than enemies. He caused particular care to be had of the wounded, and set all at liberty ransom free. By this humane and skilful conduct, he disposed the Latins to listen the more readily to the overtures which he at the same time made them for a suspension of arms. Notwithstanding all that Tarquin and Mamilius could do to hinder it, a truce was soon after agreed to for a year. And then Lartius, seeing the republic in tranquillity, resigned the dictatorship, though the time appointed for its duration was not yet expired; and, what is remarkable, no citizen had been punished with death or banishment, or in any manner severely treated during the whole continuance of his uncontrollable power.

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R O M E
256.
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The following consulship of Sempronius Atratinus and Minutius Augurinus, produced nothing memorable relating to war or conquest. The senate seem to have

been chiefly taken up with a compassionate concern for the Roman women married to Latin husbands. It was feared they might suffer by the rupture between the two nations. A decree therefore was passed by the fathers, and confirmed by the people (in consequence doubtless of an agreement made with the Latins), that the Latin women who were willing to leave Rome and return to Latium, and the Roman women who were willing to come back from Latium to Rome, should have liberty to quit their husbands and return to the respective countries of their nativity; and it was ordered, with regard to their children, that the boys should remain with their fathers, and the girls follow their mothers. How agreeable a place Rome was to wives most remarkably appeared on this occasion. For out of the great number of Latin women who had married Roman husbands, only two went back to Latium; but almost all the Roman women, married to Latins, left their husbands and returned to their native city.

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ROME
256.
B. C. 496.

Thirteenth
consulship.
B. 6.
P. 341.

§. VI. THE year of truce with the Latins was expired, when Aulus Posthumius and T. Virginius took possession of the consulship. The nobles of Latium, who were in the interest of Tarquin, carried all before them in the assemblies of the states, contrary to the inclination of the people, many of whom came with their families to Rome, where they were well received. It was necessary therefore to prepare for war; and though there were no dissensions at this time between the senate and people, it was judged proper to put the conduct of it into the hands of a dictator: the consuls had the power given them, as before, to name one of themselves to that dignity; whereupon Virginius, though the elder of the two, readily yielded it to his colleague as the more able commander.

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ROME
257.
B. C. 495.

Fourteenth
consulship.
P. 342.

Posthumius having named Æbutius Elva to be his general of the horse, divided the Roman forces, as the former dictator had done, into four bodies; one he com-

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ROME
257.
B. C. 495.

Four-
teenth
consul-
ship.
P. 343.

In La-
tium.

P. 344,
345.

manded himself, put another under the conduct of his late colleague Virginus, the third under Æbutius, and committed the fourth to Sempronius, with the government of the city. News was presently brought, that the Latins had forced the castle of Corbio, a strong hold belonging to the republic, and put the garrison to the sword; and that this small advantage gained by the enemy had determined the Volsci of Antium to join them. Posthumus immediately marched from Rome with 8000 men, and encamped in the night near the lake Regillus, upon a steep hill which was inaccessible on every side. Virginus following soon after with his troops, posted them on another hill over against the dictator; the Latin army, which consisted of 40,000 foot and 3000 horse, under the command of Sextus Tarquinius, Titus Tarquinius, and Mamilius, lying between them. As Posthumus had no intention to fight, but only to observe and tire out the enemy, he sent word to Æbutius to march secretly in the night with the cavalry and light-armed infantry, and take possession of a third hill, upon the only road by which provisions could come to the Latins. The general of the horse obeyed his order; but before he could fortify his camp, he was briskly attacked by a body of the enemy under Sextus Tarquinius, who endeavoured to dislodge him: however, the dictator sending him a timely reinforcement, the Latins were repulsed with loss, and retired. After this Æbutius intercepted two couriers who were carrying letters from the Volsci to the Latin generals, importing that a considerable body of that people would join the Latin forces in three days. Posthumus hereupon drew his three bodies of Romans together; for though they amounted to no more than 23,700 foot and 1000 horse, necessity constrained him now to hazard an engagement without delay.

It was the custom for generals to harangue their troops before they led them to battle; and the dictator may be

said to have had at this time the better part of the Roman nation for his auditors. The senate almost to a man were come to serve as volunteers. Indeed there was no way of rising to offices of dignity and power but by long and painful service in the troops; but now even the oldest senators had taken arms in defence of their country. Posthumius in his speech to the soldiers (after he had put them in mind of the miseries they must expect from the return of the Tarquins, and had encouraged them not to fear the superior numbers of a faithless enemy whom their fathers had so often vanquished), took particular notice of this, that in the present exigence, "the most ancient and venerable had covered their gray hairs with the helmet." He added: "And shall the young, the healthy and strong, be inactive and fearful? Shall they be so shameless to turn their backs upon the enemy, when the old and the infirm are resolved either to conquer or die? I declare that whoever shall this day be guilty of so base a cowardice shall be put to death by my order, and his dead carcass deprived of the rites of burial: but he that shall bring me witnesses of his having signalized his courage in the battle, shall, beside the usual honours decreed to men of distinguished bravery, receive from the public an estate in land, as an additional recompense of his merit."

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teenth
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Having thus spoken, the dictator drew up his army in order of battle; and the Latins, depending on their numbers, and beginning to want provisions, did not decline the fight. Titus Tarquinius was in the centre of their army at the head of the exiles and deserters from Rome; Mamilius commanded the right wing,¹ and Sextus Tarquinius the left. In the Roman army the dictator led the main body, Æbutius the left wing, and Virginus the right.

Livy,
b. 2.
c. 19.

In this battle, which proved very obstinate and bloody,

¹ Dionysius leaves it uncertain whether this Mamilius was the son-in-law of Tarquin the Proud, or the son of that son-in-law.

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237.
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teenth
consul-
ship.
D. Hal.
p. 349.

the generals of the two armies did not confine themselves to give orders, but exposed their persons in the hottest of the conflict, and mutually charged one another. Titus Tarquinius,⁵ coming out from the centre of the Latins, ran full speed at the dictator Posthumius to encounter him singly; but receiving a wound in his right side, fell from his horse, and was carried by his own men out of the field. The battalions of the main body having now lost their leader (who was mortally wounded), made but a faint resistance, when pressed by the troops of the dictator. They were already losing ground and beginning to break, when Sextus Tarquinius coming up with the choice of the Latin cavalry and supported by the exiles, took the place of his brother. Encouraged by the presence and valour of this new commander, the disheartened Latins recovered their ranks, renewed the fight, and made the success of the day in the centre doubtful.

Livy,
b. 2.
c. 19.

In the wings where Mamilius and Æbutius commanded, the fury of the battle was equal. After a long and bloody conflict, the two commanders defied each other to single combat; Æbutius with his lance wounded Mamilius in the breast through his cuirass; and Mamilius ran his sword through Æbutius's right arm. Neither of the wounds was mortal, but both generals fell from their horses and were carried out of the throng. Æbutius's place was then supplied by his lieutenant, Marcus Valerius (the brother of Poplicola.) He put himself at the head of the Roman horse, and with them endeavoured to break the enemy's battalions; but the cavalry of the Roman royalists, advancing to their succour, quickly repulsed the cavalry of the republic; and Mamilius, not disabled by the hurt he had received, appeared again in the van with a considerable body of horse.

⁵ Livy (b. 2. c. 19.) makes King Tarquin himself to be the person who attacked Posthumius; which is very strange, considering, that he supposes him to be the son of Tarquinius Priscus. See Remarks on the Hist. of the Rom. Kings, article Tarquinius Priscus.

and light-armed infantry. In this action Valerius receiving a wound in his side, fell dead from his horse; which occasioned the battle to be renewed with more fierceness than ever. The two nephews of the deceased (the sons of Poplicola) fought with inexpressible courage to hinder the dead body from being stripped; and having recovered it from the enemy, they delivered it to Valerius's servants, to be conveyed to the Roman camp: but throwing themselves afterward into the midst of the enemy, they were both killed upon the spot.

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teenth
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ship.
C. 20.
D. Hal.
p. 350.

The loss of Valerius and his two nephews, and especially the absence of Æbutius, greatly disheartened the left wing of the Romans. Posthumius perceiving that the soldiers began to give ground, hastened to their assistance with a body of Roman knights who attended him as his guard. He gave orders at the same time to Titus Herminius, one of his lieutenants, to repair to the rear of the army, command those who fled to stop, and put all to the sword who would not obey. And now the dictator himself with his knights giving the reins to their horses, drove with the utmost fury upon the royalists, broke them, slew many of them, and put the rest to flight. Herminius in the meanwhile rallied the run-aways, and returning presently to the charge, fell upon some close battalions of the enemy's right wing which still kept their ground. His chief aim was at the person of Mamilius who commanded them, and who was easily known by his tall stature, and the richness of his habit and armour. The Roman, to come at him, beat down all that stood in his way; he then attacked him, and with his first blow laid him dead upon the ground: nevertheless he lost his own life by a wound from an unknown hand, while he was busy in stripping the body of his enemy.

During all this time, Sextus Tarquinius, who had returned from the centre of the Latins, and put himself again at the head of the left wing, maintained the fight

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teenth
consul-
ship.

with great bravery against the consul Virginius. He had even broke the right wing of the Roman army, when Posthumius appeared on a sudden with his victorious squadrons to support it. This unexpected turn of affairs made Sextus lose at once all hopes of victory. Rushing therefore among the thickest ranks of the Roman knights, he there sunk under a multitude of wounds, after he had sold his life dear.

The death of Sextus Tarquinius was followed by the entire rout of the Latins, who had before lost their two other generals. Their camp was taken the same day, and the plunder abandoned to the Roman soldiers. No victory, hitherto gained by the Romans, had been either more necessary or more complete. Scarce 10,000 of the 43,000 Latins who had come into the field returned home. The whole nation, for a long time after, felt this severe stroke; nay, it may be truly said, they never recovered of the blow which they received in the battle of Regillus.

P. 352.

Posthumius, the next morning, distributed the usual rewards to those who had behaved themselves well in the action, and returned thanks to the gods by sacrifices. Scarce were these ceremonies ended, when the scouts brought intelligence, that a great body of troops covered the plain, and was marching in order of battle. It was the Volsci come to the assistance of the Latins. Finding at their arrival how matters had gone, some of them were for falling upon the Romans before they could recover from the fatigue of the preceding day; but another party, willing rather to ingratiate themselves with the conquerors, prevailed to send messengers to the dictator, to tell him, they came to his assistance.

P. 353.

Posthumius convicted them of falsehood by their letters which he had intercepted; and giving leave to the messengers to return, whom the multitude would have torn to pieces, he resolved to attack the Volscian army the next day: but in the night they broke up their camp and fled.

The dictator at his return to Rome was honoured with a triumph; and to his other names was added that of Regillensis, from the place of the late action. He allotted a tenth part of the spoils to defray the expenses of the public games, and to build some temples in honour of the gods; particularly one to Castor and Pollux, who were said to have appeared during the battle of Regillus upon white horses, and to have fought for the Romans.

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teenth
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P. 354.

The Latins having now no remedy but in an absolute submission, chose deputies out of those cities which had opposed the war, to be mediators at Rome, in favour of the whole nation. These appeared in the senate, bearing in their hands olive-branches bound round with wool, the usual marks of suppliants. They laid the blame of the rupture wholly upon the nobility of the country under the influence of the Tarquins. They represented in a moving strain the loss they had sustained of all the flower of their youth; that scarce a family in Latium was out of mourning. They conjured the Romans to have regard to consanguinity, and the zeal which the Latins had formerly shewn for the interests of Rome; and in conclusion, they yielded themselves wholly to the judgment of the fathers, laying at the feet

P. 355.

^b Dion. Hal. relates a fabulous story of two young horsemen, of an extraordinary and majestic stature, who during the action appeared to Posthumus and his party. They marched at the head of the cavalry, striking terror among the Latins, whom they wounded with darts and lances. In the evening, after the victory, the same horsemen appeared at Rome in the forum. Their fierce and threatening countenances, and their horses all dropping with sweat, made people conclude that they were returned from the battle. When they had dismounted, they washed themselves in the water of a spring that rose near the temple of Vesta; and they told the crowd of citizens, who surrounded them, the first news of the victory gained by the Romans; after which they disappeared. The next morning the magistrates receiving letters from the dictator, which among the other circumstances of the battle mentioned the sudden appearance of the two young horsemen, who fought for the Romans, it was concluded they were the same who had brought the news to Rome, and that they could be no other than Castor and Pollux. Plutarch, in his *Life of Paulus Emilius*, adds to this relation, that Lucius Domitius was the first who was informed by Castor and Pollux of the entire defeat of the Latins: and to make the fable still more wonderful, the same author affirms, that, Domitius having appeared surprised at the account, the two horsemen took him gently by the beard, and it immediately changed its colour from black to red; which miracle confirmed the relation, and got Domitius the surname of *Ænobarbus*, brazen-beard: and this story, fabulous as it is, was believed among the Romans. They transmitted it to posterity by public monuments, which were still subsisting in the time of Dionysius.

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teenth
consul-
ship.

P. 356.

of the dictator the badges which they bore of suitors and suppliants.

Rome had long since made it a maxim, to spare the nations which submitted, and Titus Lartius, the late dictator, declared himself for observing it in the present case. He advised a total oblivion of the fault committed by the Latins, and a renewal of the ancient treaties with them. Nevertheless the senate was not without some severe men, who were for razing all the cities of Latium, seizing their territories, and reducing the inhabitants to slavery. Among these was Spurius Cassius. Others were for depriving them of half their lands, by way of punishment; and, in consideration of kindred and blood, for leaving them in possession of their liberty. But the opinion of Lartius being approved by Posthumus, there was no farther opposition to it; and a decree was accordingly passed for renewing the old league; on condition, however, that the Latins restored the prisoners they had taken, delivered up the deserters, and drove the Roman exiles out of Latium.

P. 357,
358.

Such was the end of the last war which the Romans had with their neighbours on account of their banished king. As for Tarquin himself, the only person now left of his family, being abandoned by the Latins, Hetrurians, Sabines, and all the other free states about Rome, he retired into Campania, to Aristodemus, tyrant of Cumæ. Here he shortly after ended his days, at about ninety years of age, and after fourteen years' exile, which he had made remarkable by almost as many wars.

It must be granted, that Tarquin had several of those endowments and qualifications which enter into the character of a hero; intrepid courage; experience in arms; an excellent capacity for negotiations; an address whereby, even in banishment, and when divested of all power, he could alienate from the Romans their ancient allies, and unite those allies against his enemies; an invention fruitful in expedients; and a steady resolution never to

quit his claim to empire "but with life. All these made an assemblage of qualities not to be despised. But with these he had also in his nature such a strange composition of the most extravagant vices, as could not but prove fatal to his usurped tyranny. And as a judicious writer has observed, had not the death of the unfortunate Lucretia administered to the Roman people an opportunity of liberty, yet a far slighter matter would have served them for a specious reason to endeavour the assertion of their rights.

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557.
B. C. 495.
Four-
teenth
consul-
ship:
Keno.
Antiq.

The freedom which the Romans recovered by the expulsion of Tarquin the Proud was now secured to them by his death; a freedom that was indisputably the source of all their future grandeur. Nevertheless it is the opinion of Livy, that this very freedom, had they assumed it more early, and wrested the royal power from any of their former princes, would have proved the ruin of the rising state. "For what (says he) would have been the consequence, if that commonalty, made up of herdsmen and outlaws from other countries, who found refuge and impunity at Rome, if they, being set free by some Brutus from the dread of majesty, had begun to be ruffled and agitated by the storms of tribunician fury, and, in a strange city, to engage in quarrels with the nobles, before the pledges of wives and children, and an affection (not quickly entertained) for the very place and soil, had associated their hearts, and linked them together in one common interest? Certainly the state, not yet come to maturity, would through discord have faded and perished; whereas a peaceable and gentle government fostered and cherished it, and by a proper nourishment brought it to such strength and perfection as to be able to produce the wholesome fruits of liberty."

Livy,
b. 2.
c. 1.

How just this reflection of the Latin historian is, will sufficiently appear by the events which come next to be related.

CHAP. V.

258. **SECT. I.** The peace concluded with the Latins is followed by domestic broils at Rome, where the senate get the consulship for Appius Claudius and P. Servilius. **II.** The Volsci encouraged by the civil feuds among the Romans, prepare to fall upon them. The plebeians at Rome refuse to list themselves for the war. Servilius, with an army of volunteers, who follow him out of personal affection, enters the territory of the enemy, and terrifies them into a submission for the present; but he has no sooner led back his army, than they renew their preparations to attack the republic. **III.** While the senate are consulting about the levies to be made on this occasion, a sudden, accident occasions an insurrection at Rome. Servilius appeases the tumult. News comes that the Volsci are approaching. Servilius by fair promises in relation to the debts engages the people to list themselves. **IV.** He defeats the enemy, and, though the senate refuse him a triumph at his return, on account of his indulgence to the soldiers, he triumphs in spite of their opposition. **V.** After this he takes the field again, and defeats the Aurunci. **VI.** The debtors at his return from the war claim the performance of his promises. Servilius, not having power to make them good, is treated by the people with contempt. He thereupon becomes their enemy, and the sedition increases.

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Fifteenth
consul-
ship.
D. Hal.
b. 6.
p. 358,
et seq.

§. I. **SCARCE** was the dangerous war with the Latins over, and the dictatorship of Posthumius expired, when the domestic feuds and dissensions at Rome revived. The senate, who thought it needless any longer to court the people, or even to shew them any condescension, revoked, by a decree, that suspension of the suits for debt, which nothing but necessity had before induced them to grant. The creditors began to prosecute their debtors with more rigour than ever; and these of course renewed their murmurs and complaints. To prevent the mischiefs which this grand affair might occasion, the senate procured the consulship for Appius Claudius, whose resolution they were well acquainted with. But lest he should carry it too far, they gave him, for his colleague, P. Servilius, a man of a gentle humane character, and agreeable to the poor and the multitude. These two magistrates were sure to be of contrary opinions. Servilius, out of goodness and compassion to the unfortunate, inclined to the remission of the debts, or at least of those exorbitant and accumulated interests which considerably exceeded the principal. He exhorted the senate to make some regulation in this matter, that might ease the people, and settle the tranquillity of the state upon a lasting foundation.

But Appius, a severe observer of the laws, maintained, with his usual constancy, that it was a manifest injustice to relieve the debtors at the expense of their creditors; that this project tended to the very ruin of the subordination necessary in a well-governed state; that the condescension which Servilius was for shewing to the necessities of the people, would be looked upon by the seditious only as a disguised weakness, and so breed new pretensions; whereas nothing would be a better proof of the power of the government than a just severity shewed to those who by their disobedience and cabals had violated the majesty of the senate.

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B. C. 494.
Fifteenth
consul-
ship.

This diversity of opinion produced nothing but bitterness of speech and personal reflections. The senate assembled daily, and as often broke up without coming to any conclusion. In the mean time the people continued to be oppressed and to complain. Being informed of what passed in the senate, and of the different inclinations of the two consuls, they showered many praises upon Servilius, and heaped as many imprecations upon Appius. The most seditious among the multitude flocked together: they held secret assemblies in the night and in by-places; and, in a word, the discontent and disorder in the city were such as seemed to presage nothing less than a civil war.

§. 11. THE news of these disturbances at Rome hav- P. 359.
ing reached the Volsci, they immediately began to draw their forces together, in order to march and besiege it, believing they could never have a more favourable opportunity to crush the new republic, which they hated, and had always looked upon with a jealous eye. Had the authority of the senate been regarded, an alarm of this kind would have been the luckiest thing that could have happened for their views, because it furnished a pretext to send away the most mutinous of the people from the city: but the Roman youth, being summoned as usual to be listed for the service, absolutely refused

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286.

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to appear ;* and this disobedience occasioned another dispute between the consuls. Appius was for punishing the refractory with vigour, and Servilius for more indulgence.

As it was necessary to take the field against the enemy, the senate, without coming to any determination about the affair of the debts, decreed that Servilius should conduct the war, and Claudius govern the city. They made this regulation, in hopes that Servilius, being a popular man, would have less difficulty than the other to levy an army. Nevertheless the people still refused to list themselves in the accustomed manner. What troops he could raise were only volunteers who offered to serve, out of personal affection to the general. They were indeed the more formidable on this account; and the consul marched them straight into the enemies' territory. The Volsci, depending on the civil broils at Rome, and little expecting that they should so soon have occasion to act upon the defensive, had not made such expedition in their preparations for the war as to be in a condition to face the Romans in the field. They were forced therefore to have recourse to supplications and entreaties; and by these they wrought upon the easy consul to favour them. He required of them only subsistence and clothes for his troops, and 300 hostages of the best families.

Not long after the return of Servilius to Rome, and when the rich patricians, believing the state to be in no danger from any quarter, were pursuing their poor debtors with the usual severity, some envoys from the Latins arrived in the city, bringing with them by force certain deputies who had been sent by the Volsci to the Latin nation. Those deputies had been commissioned to engage the Latins, if possible, to join with the Volsci, the Hernici, and Sabines, in a league against Rome; but the Latins, quite humbled by their defeat in the battle of Regillus, would listen to no proposal for a new rup-

Livy,
b. 4.
c. 22.

ture with the republic; and the Romans, to reward their fidelity, and the zeal they shewed on this occasion, restored them 6000 prisoners taken in the last war: these captives they also new clothed before they sent them home, in order to make the favour yet more obliging.

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ship.

§. III. THE discovery made by the Latin envoys of the secret negotiations of the Volsci, was more than sufficient to determine the senate to a declaration of war against them; but the fathers had now the same difficulties as before, in relation to the levies. They were assembled to debate this matter, and likewise what number of soldiers it would be proper to raise in the present exigence, when a sudden accident suspended their deliberations; and the calamity of a private citizen occasioned a general insurrection of the people.

A plebeian, loaded with chains, threw himself into the public place as into an asylum. He was a man in years, tall of stature, meagre, pale, and his eyes sunk into his head; his clothes dirty and ragged, his beard bushy, his hair matted, and his appearance altogether a shocking spectacle. Nevertheless he was very well known; and some remembered to have been with him in the wars, and to have seen him fight with great valour. He himself named the consuls and the tribunes under whom he had served, and addressing his speech to a multitude of people that surrounded him, who earnestly inquired the cause of his deplorable condition, he told them, that while he bore arms in the last war against the Sabines, he had not only been hindered from cultivating his little inheritance, but that the enemy, in an incursion, had plundered and burnt his house. That the necessities of life, and the tributes which, notwithstanding his misfortunes, he was obliged to pay, had forced him to contract debts; that the interest being by degrees grown to an excessive sum, he was reduced to the melancholy expedient of yielding up

C. 23.
D. Hal.
p. 361.

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Fifteenth
consul-
ship.

his inheritance to discharge part of it. But that the merciless creditor, not being yet quite paid, had dragged him to prison, with two of his children; that to oblige him to hasten the payment of the residue, he had delivered him over to his slaves, who, by his order, had torn his body with whips: at the same time throwing off his garment, he shewed a back still bloody with lashes, suffered from his creditor, and a breast covered with the scars of wounds he had received in battle.

The people already ripe for sedition, and justly provoked at so barbarous an action, uttered a thousand cries of indignation against the patricians. The noise ran in a moment over the whole city, and the people flocked from all parts into the forum. Those whom the like misfortunes had thrown into the fetters of their creditors, made their escape; and sedition quickly found leaders and abettors, and the authority of the magistrate was no longer regarded. The consuls, who came in hopes of putting a stop to the disorder by their presence, being surrounded by the people hot with fury, found neither respect nor obedience in the citizens.

Appius, abhorred by the multitude, was just going to be insulted, if he had not escaped under favour of the tumult. Servilius, though more agreeable to the people, was forced to throw off his consular robe, and, without any mark of his dignity, to run into the thickest of the crowd. He caressed and embraced the most mutinous, and with tears in his eyes conjured them to appease this disorder. He gave them his word that he would immediately call the senate, and take as much care of the people's interests in it as any plebeian could do; and as a proof of his sincerity, he proclaimed by a herald, that no citizen should be arrested for debt, till the senate had made some new regulation in this affair.

The people upon his word dispersed themselves; and the senate immediately assembled. Servilius laid before them the disposition of men's minds, and the necessity,

in such a conjuncture, of abating somewhat of the severity of the laws. Appius, always faithful to his first opinion, firmly opposed this measure, and as he could never help tincturing his counsels with the austerity of his character, and the harshness of his manners, he publicly upbraided his colleague with being a flatterer and a slave of the people. Servilius, in his turn, reproached him with the obstinacy of his temper, his pride, and the animosity he shewed against the plebeians. Each consul had his party. The warm contention, occasioned by this opposition of sentiments, had begun to raise a great noise in the assembly, when some horsemen came full speed with an account, that an army of Volsci were upon their march to Rome.

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R O M E
230.
B. C. 404.
Fifteenth
consul-
ship.

Livy, b.
2. c. 24.

This alarming news had not the same effect on all. The senators, their clients, and the richer sort of plebeians, took arms: but those who were oppressed with debts, shewing their chains, asked with a bitter smile, whether it was worth their while to expose their lives to preserve such ornaments? And all these plebeians obstinately refused to give their names to be enrolled.

Rome was at this time in such an agitation as usually precedes the greatest revolutions; the consuls divided; the people disobedient to their magistrates; an enemy at the gates. The senate, who were almost equally afraid of the citizens and the Volsci, engaged Appius to take upon him the defence of the city; because they hoped the people would more willingly follow his colleague into the field. Servilius, being appointed to march against the enemy, conjured the people not to abandon him in this expedition; and, to prevail upon them to take up arms, he published a new prohibition against detaining in prison any Roman citizen who was willing to go with him to the war, or seizing his children or his goods: and by the said edict he engaged himself, in the name of the senate, to give the people, at his return, all reasonable satisfaction, with relation to their debts.

D. Hal.
p. 363.

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R O M E
528
B.C. 494

Fifteenth
consul-
ship.

This declaration was no sooner published, but the people crowded to list themselves, some out of affection to the consul whom they knew to be their friend, and others that they might not stay in Rome under the severe and imperious government of Appius. But of all the plebeians, none enrolled themselves more cheerfully than those very persons who had been most active in the last tumult.

P. 364.
Livy, b.
2. c. 25.

In La-
tium.

§. IV. As soon as the levies were completed, Servilius marched to meet the enemy, and, when he was come within a small distance of them, encamped, a little before night, near the Pontine lake. The Volsci insulted him the very next morning in his camp. The consul was in no haste to leave his intrenchments, not being yet sufficiently assured of the good will of his troops; but when he overheard his men accuse him of inactivity, and by their shouts was convinced of their eagerness to fight, he immediately ordered all the gates of his camp to be opened, and a general sally to be made. The Volsci could not stand the attack of the Romans, but were entirely defeated; and the consul, to reward his soldiers, gave them all the plunder of the enemy's camp, which was very rich, to enable them to pay their debts.

D. Hal.
p. 265.

He then marched to Suessa Pometia, a considerable city of the Volsci, took it by assault, and put all to the sword who were past the age of puberty; an act of barbarity which seemed contrary to his natural temper. (Appius at the same time beheaded the 300 Volscian hostages at Rome.) As to the spoil of Suessa, Servilius abandoned that likewise to his soldiers, without reserving any part of it for the public treasury.

This profuseness of the consul to his troops highly displeased his colleague. Servilius in his return to Rome, where he doubted not to obtain a triumph, received intelligence that Appius had persuaded the senate to refuse him that honour, under pretence, that he was a seditious man, who aimed at popularity by an excessive

indulgence to his soldiers. The conqueror, touched to the quick with so undeserved a treatment, no sooner came before Rome, but he caused the people to be called together in a field without the walls,¹ and there complained to them of the jealousy of his colleague, and the injustice of the senate. He presently found, by the disposition of the audience, that he might attempt whatever he pleased. Without regard therefore to the senate's decision, he immediately decreed himself a triumph,² and marched with the usual pomp to the capitol, attended by his army and all the people.

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595.
B. C. 494.
Fifteenth
consul-
ship.

§. v. BEFORE the expiration of this consulship, a new enemy started up against the republic. Ecetræ, a Volscian town, had lately submitted to the Romans; and these had sent thither a garrison to defend it. The Aurunci, a small community that possessed a part of Campania, not far from the Ecetrans, took umbrage at the neighbourhood of that garrison; they sent to Rome a haughty demand to have it instantly removed; and they added threatenings in case of a refusal. The senate in answer bid the envoys go tell their masters, that it was a dangerous thing to attack those whose very neighbourhood was formidable to them. A war presently ensued. The Aurunci entered Latium and advanced as far as Aricia: there the Romans came up with them, and, at first sight of these new enemies, were a little daunted at their gigantic stature, those fierce looks, and that material air which distinguished them from all the other nations of Italy: however, calling to mind the

P. 365.
367.

¹ Servilius made a halt, as soon as he came before Rome, because the laws did not permit him who demanded a triumph to enter into the city. He was obliged to keep without the walls with his army, and there wait for the consent of the senate; to which he, according to custom, sent a letter wrapped up in laurel. Upon the receipt of this, the senators assembled in the temple of Bellona, which stood in one of the suburbs of Rome. Here the general gave them an account of his expedition, after which they made a decree, whereby they granted the conqueror the honours of a triumph. This decree was reported to the people, who confirmed it, and fixed the day for the ceremony, unless the tribunes of the people opposed it; which sometimes happened. And this law was a great instance of the policy of the Romans. An ambitious general at the head of a victorious army, might have caused great disorders in Rome, if he had been permitted to enter it with his army; and might by force have obtained a triumph which he had not merited. C. & R.

² This triumph is not marked in the Capitoline tables.

Year of
ROME
599
B.C. 394.

Fifteenth
consul-
ship.

great abilities of their own generals, Servilius and Posthumius Regillensis (which latter commanded the cavalry), this restored their confidence. In the beginning of the action the Romans had much the disadvantage, being very unequal in strength to the enemy, and unable to sustain the fury of their first charge; and to their farther discouragement, they quickly found that their horse could be of no service to them, because the field of battle was extremely uneven and full of rocks. Posthumius nevertheless recovered the day by his able conduct. Making his cavalry dismount, he led them to the assistance of those battalions that were giving ground, and by his words and example in a short time brought them again into order; after which the enemy were soon routed and their camp taken. The Aurunci entirely disappearing, Servilius marched his army back to Rome.

Livy,
b. 2.
c. 27.

§. VI. AND now after so many victories obtained, chiefly by the bravery of those who were most in debt, the people thought they might confidently demand the performance of Servilius's promises; and indeed for his part, he left no means untried to make good his word. He employed his utmost efforts to prevail with the senate to grant the debtors a general release. But Appius, who looked upon the least change in the laws to be dangerous, strongly opposed his colleague's desire. He gave the creditors fresh power to drag the debtors to prison; and the applauses he thereby got from the rich, and the curses from the poor, equally concurred to the confirming this magistrate in his severity.

Those who were arrested, appealed to Servilius; they urged upon him the promises he had made to the people before the campaign, and the services they had done in the war. They cried aloud before his tribunal, that either in quality of consul he should undertake the defence of his fellow-citizens, or, as general, not desert the interest of his soldiers. But Servilius, who was natu-

rally timorous and averse to strife, durst not declare openly against the whole body of patricians ; and by endeavouring to manage both parties he disoblged both, so that he got the hatred of the one, and the contempt of the other.

Year of
ROMAN
298.
B. C. 496.
Fifteenth
consul-
ship.

How low he was sunk in the esteem of the people c. 27.
most remarkably appeared when the time came to consecrate a temple which had been erected to Mercury. The consecrator was to have considerable powers and privileges. He was to be the head and founder of a society of merchants in Rome ;¹ to have the charge of furnishing the city with provisions, and to inspect them ; and he was to have all the honours, and perform all the functions, of a pontifex maximus within the verge of this temple. Appius and Servilius standing in competition for this office, the senate were unwilling to decide any thing in the matter, and therefore referred it wholly to the people. This would some time ago have been in effect to decree in Servilius's favour ; but at present the people were so much dissatisfied with both their consuls, that they would not bestow the honour in question upon either of them ; they chose one M. Lætorius, who was only a centurion, to perform the consecration. Hereupon the two magistrates, equally enraged, joined with the senate in putting the laws in execution against the debtors with the utmost rigour ; a vain effort of revenge ; for the multitude paid no regard to their authority. When any plebeian was prosecuted for debt, the populace came in crowds into court, and made such a noise, that the sentence pronounced by the judges could not be heard. The debtors no longer endeavoured to appease their creditors and mollify the senate by entreaties, they insulted both ; and instead of the plebeians, the patricians were now in danger of imprisonment and slavery. Nothing prevailed in the city but tumult and violence.

¹ Mercury was thought by the pagans to be the god of commerce, whence Cicero calls merchants *Mercuriales*.

CHAP. VI.

239. **Sacr. I.** The people refuse to obey the summons of the new consuls (A. Virginus and T. Veturius) to list themselves for a war against the Sabines, Æqui, and Volsci. The senate, after some dispute among themselves, agree to create a dictator. Manius Valerius, a brother of Poplicola, is named to that dignity. **II.** Valerius prevails with the people to serve, by promising them full satisfaction in relation to their complaints when the war shall be over, and by suspending in the mean time all prosecutions for debt. Three armies are raised, to be commanded by the dictator and the two consuls. The enemy are defeated on all sides. **III.** The dictator at his return home demands of the senate to discharge his engagements to the debtors. His demand is rejected. He excuses himself to the people, and resigns the dictatorship.

Year of
ROME
239.
B. C. 493.

Sixteenth
consul-
ship.
Livy, b. 4.
c. 28.

§. 1. SUCH was the state of Rome when A. Virginus and T. Veturius, men of little steadiness, took possession of the consulate. The most considerable of the discontented plebeians held private assemblies by night to consult the proper measures for a redress of their grievances, and for preventing their being drawn by surprise into any thing disadvantageous to them, when they should be called together in legal comitia. Notice being brought to the consuls of these secret meetings, they inform the senate of them, submitting it to the wisdom of that venerable body to prescribe a remedy for the growing evil; a deference that was by no means agreeable to the conscript fathers, who saw through the policy of their magistrates, that were unwilling to draw the odium of punishing the offenders upon themselves. The senate having severely reproved them for their timid conduct, ordered them immediately to raise an army in legal form, for a war which threatened the republic. It seems the Sabines, encouraged by the intestine broils at Rome, had revolted, and they had engaged the Roman colony of *Medulia* to enter with them into a league confirmed by oaths. The consuls according to their instructions summoned the tribes, but it was to no purpose, the people being obstinately determined not to list themselves till such time as all debts should be abolished. Virginus and Veturius, finding that nobody regarded their summons, laid all the blame of the disobedience upon the

nate. They even accused the fathers to the fathers themselves, and they added, "Let those of you who are the boldest within doors at making severe decrees, now shew their heads without doors, and face the fury of the multitude. You will then see whether it be to our want of courage, or to your false measures, that the untractableness of the people is owing." These words so provoked the younger senators, that, leaving their seats, they surrounded the consuls, called them cowards, and bid them come down from their thrones and discharge themselves of a burden that was too heavy for their weakness.

Year of
ROME
259.
B.C. 493.
Sixteenth
consul-
ship.
C. 29.

After some time spent in these mutual reproaches, the consuls returned once more to the forum, guarded by a good number of the senators, to add the more weight to their authority. They ascended their tribunal, and called upon one of the most factious by name to come and be enrolled. The man did not answer; and his silence being taken for disobedience, he was instantly seized: but the populace, quite furious, tore him out of the lictor's hands; and the consuls experienced on this occasion how little respect is paid to majesty without strength; they had enough to do to defend the senators, who attended them, from blows.

D. Hal.
b. 6.
p. 368.

While the people were thus enraged against the senate, the senate against the people, and the consuls regarded by neither people nor senate, envoys came from the Latins and Crustumini (allies of Rome), complaining of the hostilities of the Æqui and Sabines; and an embassy from the Volsci arrived at the same time, demanding restitution of the lands conquered by the Romans from them. Upon this new alarm the senate assembled extraordinarily. Titus Lartius, that venerable senator, who had been formerly dictator, gave his opinion first. He said, that the only way to put an end to these alarms from abroad, was to establish peace at home; and he proposed, that the assembly might meet again the next

P. 369.

Year of
R.OME
229.
B.C. 493.

Sixteenth
consul-
ship.

Livy,
b. 2.
c. 29.
D. Hal.
p. 270.

day to deliberate about the methods necessary to procure that happiness. That in the mean time the Volscian ambassadors should be answered, that it was not consistent with the honour of the republic to comply with their demands. And as to the allies, he advised, that the assurances should be given them, that Rome would never leave them exposed to the insults of their enemies. This advice was approved and followed.

The next day the senate sat again. The consul Virginius spoke first, and proposed a medium between the severity of Appius and the general release of debts. He was for having those soldiers, who had fought so successfully the last year, protected by the senate against their creditors ; but for leaving the other debtors to the severity of the law.

Lartius stood up next and said, that he saw, with abundance of grief, Rome split as it were into two cities : that one was full of nothing but riches and pride, and the other of misery and rebellion : that there was no appearance in either of justice or of honour, or even of common decency ; that the haughtiness of the great was no less odious than the disobedience of the lower sort ; that he could not but foresee, the extreme poverty of the people would always keep up dissension ; and that he did not think it possible to restore peace and union between the two orders, by any other means than a general abolition of the debts.

Appius, when it came to his turn to speak, was equally against both these proposals : he affirmed, that the frequent mutinies among the people did not proceed so much from their want as from an unbridled licentiousness, which seditious men were pleased to call by the name of liberty ; and from the abuse which they made of the *lex Valeria*. " They violate (said he) the majesty of the consuls with impunity, because they know they can appeal from the condemnation of their crime to the very accomplices of it : and what order can we

ever hope to establish in a state, where the decrees of the magistrates are subject to the revisal and judgment of a rabble guided wholly by their fury and caprice? Let us create a dictator, whose judgments are without appeal; and then we need not fear, that even the most daring of the plebeians will be so insolent as to repulse the lictors of a magistrate, who has the sovereign disposal of their lives and fortunes."

The younger senators, and those especially whose interest was concerned in the abolition of the debts, declared for Appius's opinion; and were even for conferring the dictatorship upon him: they said, that a supreme magistrate of his firmness and intrepidity was absolutely necessary to reduce the people to their duty. But the more experienced and the more moderate of the senate thought the dictatorial power, always formidable, would be very improperly placed in the hands of a man naturally severe and inflexible. By their advice one of the consuls named to that office Manius Valerius, a man of above seventy years of age, brother to the famous Poplicola. This nomination was indeed contrary to law, which required that the dictator should always be chosen out of such as had been or were actual consuls; but as no person was judged so proper for that station at this time, the necessity of the case made the senate overlook rules.

§. II. VALERIUS, plebeian in his inclination, named, for general of the horse, Quintius Servilius, the brother of the last year's consul, and who thought, as the dictator himself did, that there was a great deal of justice in the people's complaints. Then having convened a general assembly of the citizens, he told them, that they need not have any apprehensions, that either their liberty, or the lex Valeria, which was its chief support, would be in danger under a dictator of the family of Valerius Poplicola. That he did not ascend his tribunal to cheat them with false promises; that indeed there was

Year of
R.OME
809.
B.C. 493.

Sixteenth
consul-
ship.

D. Hal.
p. 371.
Livy, b.
2. c. 30.

D. Hal.
b. 6. p.
371.

Year of
ROME
589
B.C.

Sixteenth
consul-
ship.

a necessity of their marching against the enemies who were advancing towards Rome; but that he would engage, in his own name, and on the part of the senate, to give them full satisfaction, with relation to their complaints, at the return from the campaign: he added, "And in the meanwhile, by the sovereign authority with which I am invested, I declare your persons, your lands, and your goods, to be perfectly free: I suspend the effect of all obligations that might be made use of to give you trouble. Come and assist us to conquer new lands from our enemies for your use."

P. 373. This speech filled the people with hopes and with comfort. Every body took arms with pleasure, and ten legions were raised complete; three were given to each consul, and the dictator reserved four to himself. The Romans marched against the enemy on different sides. The dictator gained a notable victory over the Sabines, laid waste their country, and enriched his soldiers with spoil: the consul Veturius routed the Volsci, after which he took their camp, and then Velitræ, into which place he entered sword in hand in pursuit of the vanquished: and A. Virginius, the other consul, obtained over the Æqui a victory, which, by reason of their hasty flight, was without much bloodshed. Except the victory at Regillus, the Romans had never gained a more important one than that of the dictator over the Sabines. Accordingly he was decreed a triumph by both senate and people; and as a farther mark of distinction, they allotted him an honourable place in the circus, at the celebration of the public games, and appointed that a curule chair should always be placed there for him; and this honour they made hereditary in his family.

Livy, b.
2. c. 31.

D. Hal.
b. 6. p.
373.

§. III. THE senate apprehending that the soldiers at their return would challenge of the dictator the execution of his promise, desired him and the two consuls to detain them still under their ensigns, upon pretence that the war was not quite finished. The two consuls obeyed.

Year of
ROME
539
B. C. 403.
Sixteenth
consul-
ship.

but the dictator, whose authority was independent of the senate, disbanded his army. He declared his soldiers free of the oath they took when they listed themselves;^m and as a new proof of his affection to the plebeians, he chose out of that order 400 of the most considerable, whom he brought into that of the knights. He then went to the senate, and demanded that a decree should be passed for the abolition of the debts, pursuant to the promise he had made the people. The oldest senators and the best men, excepting only Appius, were for consenting to this demand. But the faction of the rich got the better, being supported by the young senators, who thought that nothing could be done for the relief of the people, but to the diminution of the senate's authority. There were even several who, presuming upon the dictator's mildness of temper, reproached him, that he sought by the vilest methods the applauses of a base populace. Not only his demand was rejected, but he was made to understand, that if his dictatorial dignity had not set him above the laws, the senate would call him to an account for disbanding his army, as an action contrary to the military laws, while the enemies of the republic were still in arms.

The venerable old man answered, "I plainly perceive ^{Livy,} that I am not agreeable to you: I am accused of being ^{b. 2, c. 31.}

^m The giving the military oath, which was called *sacramentum*, was, properly speaking, the legal method of forming the Roman armies. After the soldiers had been chosen out of each tribe, in the manner elsewhere described, this oath was administered to them. The ceremony was this: the tribunes of each legion assembled the body they commanded. Then one soldier in a legion swore, in the name of all the rest, to obey the commanders of the Roman army. After this, every soldier came, and singly engaged to perform what had been sworn. This custom continued till the 538th year of Rome; and then another oath, called by Livy (b. 23), *jugurandum* (of which we shall speak in its proper place), was added to the former. By virtue of this engagement, rebels and deserters were punished with death, and no appeal admitted. There was likewise another way of enlisting men, which was called *conjunctio*. It took place, in case of unforeseen commotions, and the sudden irruptions of an enemy. Then, that no time might be lost in raising the necessary succours, the soldiers were exposed the formalities usually observed in enrolling them. The general only went up to the capitol, and there erected two standards; one red, for the foot; and the other blue, for the horse. After which, he pronounced these words, with a loud voice: "Let those who love the safety of the republic, make haste and follow me." A third way of enrolling or enlisting men, then in use, was this. The consuls committed it to the care of chosen persons, to raise troops in different places, as the republic had occasion for them; and this was called *evocatio*. C. & E.

Year of
ROME
495.

B. C. 493.
Sixteenth
consul-
ship.

too popular; may the gods grant that all the defenders of the Roman people, who shall rise hereafter, may be as moderate as I am ! But expect not that I will deceive my fellow-citizens, who took up arms upon my promise, and who at the price of their blood have triumphed over your enemies. A foreign war, and our domestic feuds, were the occasion of the republic's honouring me with the dictatorship. We now have peace abroad, and I am hindered from establishing it at home ; thus my office being grown useless, I am resolved to hold it no longer. I had rather behold the sedition as a private person, than with the title of dictator." Concluding with these words, he left the senate abruptly, and convened an assembly of the people.

D. Hal.
b. 6.
p. 374,
375.

When the assembly was formed, he appeared in it with all the ensigns of his dignity ; he first returned the people thanks for the readiness with which upon his orders they had taken arms, and then he highly praised the valour they had shewn in every action of the war, against the enemies of the commonwealth. " You (said he), like good citizens, have performed your duty. It were now my turn to acquit myself of the promise I made you ; but a faction more powerful than the authority of the dictator himself hinders the effect of my sincere intentions. I am publicly called an enemy to the senate : my conduct is censured ; it is imputed to me as a crime, that I left you the spoils of our enemies, and above all, that I absolved you from the military oath. I know after what manner, in the vigour of my life, I should have answered such injuries ; but they despise an old man of above threescore and ten ; and as I am now past either revenging myself, or doing justice to you, I freely resign a dignity in which I can do you no service. If any one of my fellow-citizens condemns me for the non-performance of my word, I willingly put my small remains of life into his hands ; he may deprive me of it, if he pleases ; I shall neither murmur nor oppose."

The multitude heard this discourse with respect and veneration for the man ; and they conducted him to his house with as many praises as if he had pronounced the abolition of the debts.

Year of
R O M E
259.
B. C. 493.
Sixteenth
consul-
ship.

CHAP. VII.

SECT. I. The discontent among the people augments. The consuls, to give the mutineers a diversion, lead their two armies, which they had not yet disbanded, again into the field. The soldiers desert their generals, and, by the advice of Sicinnius Bellutus, retire to a hill three miles from Rome. II. The senate dispatch a deputation to them to persuade them to return ; but in vain. Posthumius Cominius, and Spurius Cassius, are chosen consuls. Warm debates in the senate. A second deputation is sent to the mutineers in spite of the remonstrances of Appius Claudius. III. The artful management of Sicinnius Bellutus, and Janius Brutus, the two heads of the sedition, in their conference with the deputies. IV. Menenius Agrippa, by soft words, and by his famous apologue, overcomes the obstinacy of the mutineers ; but when they are just ready to go back to the city, Brutus puts a stop to their march till the senate have agreed to the creation of some new officers, chosen out of the plebeians, to be the future protectors of the people. These officers, styled tribunes of the people, being elected, and their persons declared sacred, the mutineers return to Rome.

Secessions.
260.

Tribunes
of the
people.

§. I. AND now the plebeian debtors turned their whole indignation against the senate, which had so often deceived them : they held assemblies, not by night, but in open day, and seemed determined to keep no longer any measures. The consuls, who still held their troops engaged by the customary oath they had taken to them, never to quit their ensigns without leave, led them by the senate's advice out of the city, under pretence of apprehending a new war from the Æqui and Sabines. The soldiers, perceiving the artifice, had no sooner entered the field, but the most furious were for murdering the consuls, in order to free themselves and their fellows at once from the oath that bound them : but the more sober having represented to those madmen how useless, with regard to their purpose, such a crime would be, they, by the advice of one Sicinnius, took another method. They snatched up the ensigns, which they had sworn not to desert, and marched away with them.

Year of
R O M E
259.
B. C. 493.
Sixteenth
consul-
ship.
Livy,
b. 2.
c. 32.

Year of
R. C. 525.
546.
B. C. 498.

Sixteenth
consul.
ship.

The legions, instantly forsaking their officers, followed; and retired to a hill (afterward called Mons Sacer) three miles from Rome near the river Anio. Here they encamped, and here they continued quiet, observing an exact discipline, and attempting no sort of violence whatever.

D. Hal.
P. 376.

§. II. A DESERTION so general, and which looked like the beginning of a civil war, gave great uneasiness to the senate. They immediately set guards at the gates of the city, as well for its security, as to hinder any more of the plebeians from joining the malcontents. But, notwithstanding this precaution, those who were burdened with debts, and even many others, who without being in debt, were discontented, escaped to the mutineers; and Rome saw at her gates a very formidable army of her own citizens, ready to turn their arms against those that remained in the city.

The patricians immediately divided themselves into several bodies, to be differently employed: some at the head of their clients, and of such plebeians as would not take part in the secession, secured the most advanced posts; others intrenched themselves at the entrance of the city; the old men undertook the defence of the walls; and all appeared equally vigorous and resolute.

After these precautions, the senate dispatched a deputation to the malcontents, to offer them a general pardon, and exhort them to return into the city. But this step, taken before the swell of passion had subsided,

* Dion. Hal. gives us the reason why the legions so readily followed their ensigns. The Romans, says he, when they are in the field, respect nothing more than their ensigns and standards. They are to them as so many deities. They swear by their military ensigns, and pay them a sort of religious worship. On certain festivals, they crown them with flowers, and perfume them. "Aquilis certe, ac signis illa pulverulenta, et custodiis horrida, inaugurantur etiam festis diebus. Utinamque disce, quoniam quis primus instituit!" (Plin. b. 13.) This custom is also attested by an inscription on an ancient marble; which runs thus, CONORÆ. INLATE. SIGNA QVÆ. BVCRA. Alarmed by this superstitious prejudice, the soldiers feared the greatest dangers, and despised death itself, to secure these precious pledges from being taken by the enemy. It often was treated as a capital crime, a man's suffering his standard to be taken from him: history gives us several instances of those who were condemned to be whipped, and to lose their heads, for having lost the colours committed to their care. O. & R.

produced nothing but a contemptuous and menacing answer from the seceders, 'That the patricians should quickly find what enemies they had to deal with : ' which augmented the general consternation and perplexity in Rome.

Year of
Rome 492
360
B.C. 492.

Seventeenth
consulship.

The two consuls, whose magistracy was expiring, appointed an assembly for the election of their successors; nobody presented himself candidate for that dignity; several even refused it. At length, Posthumius Cominius, and Spurius Cassius Viscellinus, both consular persons, were constrained to accept it; and the senate pitched upon them, because they were equally agreeable to the nobles and plebeians, and because Cassius especially had always behaved himself very prudently between the two parties.

The new consuls began their administration with assembling the senate to consider of the best and most speedy methods of restoring peace and union in the state.

Menenius Agrippa, a consular person, and eminent for integrity of manners, being the first called upon to give his opinion, declared, that he thought it advisable to dispatch a new deputation to the malcontents, and to give the deputies full power to put an end to this ugly affair, upon whatever condition they should find necessary for the good of the republic. Some of the fathers objected, that it would be a derogation to the majesty of the senate, to send a second deputation to rebels, who had given such an unworthy reception to their first : but Menenius answered, that this was no time to insist upon a vain punctilio ; that the preservation of the republic, and even necessity, to which the gods themselves were submitted, obliged the senate to court the people. That Rome, the terror of her neighbours, was in a manner besieged by her own citizens ; that indeed they had as yet committed no act of hostility, but that for this very reason the senate ought to be the more careful to prevent a war, which, whatever should be the success of it, could not but be fatal to the state.

P. 379, et
seq.

Year of
R. O. M.
540.
B. C. 495.
Seventeenth
consul-
ship.

He added, that the Sabines, the Volsci, the Æqui, and the Hernici, all irreconcilable enemies to the Roman name, would already have joined the rebels, if they had not perhaps thought it more proper to let the Romans weaken and destroy themselves by their own divisions. That no great assistance was to be expected from the allies of the republic; that as for the nations of Campania and Hetruria, they were always governed by events, and their faith was to be suspected; that even the Latins were not much more to be depended on, a people jealous of the superiority of Rome, and ever fond of novelty. That the patricians deceived themselves, if they hoped, merely with the help of their clients and slaves, to withstand a combination of so many foreign and domestic enemies.

P. 385. M. Valerius (the late dictator), whose mind was im-
bittered against the senate, added to what Menenius had
said, that there was reason to apprehend the malcon-
tents would renounce their country, and think of settling
elsewhere: that Rome would become a desert; and the
senate, by continuing inflexible, lose its chief strength.
That, if they had followed his advice during his dictator-
ship, they might by the abolition of the debts have pre-
served union and peace between the two orders in the
state; but must not imagine that the people, who had
so often been cheated by the false promises of the se-
nate, would now be satisfied with that abolition. That
he feared the ill-treatment they had received would in-
cite them to demand securities for the future enjoyment
of their rights and liberties. That the creation of a dic-
tator, a modern invention of the senate's, entirely de-
feated the purpose of the lex Valeria, the people's refuge,
and the guardian of their liberty. That it could not be
denied, but many of the plebeians had been despoiled of
their lands by the exorbitant interests exacted from them
for money lent by certain rich usurers; and those poor
wretches thrown into chains and slavery as so many cri-

minals : that indeed the more equitable among the patricians had no share in these tyrannical proceedings, but only some haughty spirits, who aimed at an oligarchy, and had formed themselves into a faction, at the head of which was Appius Claudius, the most declared enemy of the people, and who was always endeavouring to perplex and embroil the public affairs. And he concluded with seconding the motion of Menenius for sending a new deputation to the seceders.

Year of
Rome 250:
B.C. 492.
Seven-
teenth
consul-
ship.

Appius, when it was his turn to speak, rose up, and addressing himself to M. Valerius, said, “ If you had confined yourself barely to give your opinion upon the affair in question, without falling upon me so unjustly, you had not exposed yourself to hear truths, which may not be very agreeable to you. But before I offer them to this assembly, it is fit I should answer your calumnies. Tell me, Valerius, where are the Romans whom I have prosecuted with the rigour of justice, to oblige them to pay me what they owe me ? Name the citizens whom I have kept in chains ; go search among the crowd of malcontents, and see whether there be one man who will say, he left the city out of fear of being imprisoned by me. Every body knows that I have used my debtors like my clients and friends ; that without considering the old debts, I have assisted them anew in their necessities ; and that, as much as in me lay, the citizens were always free. Not that I propose my conduct as a rule for others ; I will always contend for the authority of the laws in favour of those who have recourse to them. I am even convinced, that, with regard to certain debtors who spend their lives in idleness and debauchery, it is as reasonable to make them pay, as it is noble and generous to forgive poor citizens who are peaceable and laborious, but whose misfortunes have reduced them to extreme want : such has been my conduct, and such are the imperious maxims with which I am charged. But, it seems, I have declared myself a favourer of the great,

P. 366, et
seq.

146 and it is by my counsels that they have possessed themselves of the government.—This crime (turning towards the chief of the senate) I am guilty of in common with you. The government belongs to you, and you are too wise to yield it up to an unbridled, rabble to that furious beast which hearkens only to its flatterers, its slaves; slaves that often become its tyrants: and this is what we ought to apprehend from M. Valerius; who, though all the credit he has in the republic be owing to the dignities with which we have honoured him, makes use of it now to ruin our laws, change the form of our government, and, by his mean condescensions, pave himself a way to the tyranny. You have heard his own words, and must have observed, that, being better informed than we of the pernicious designs of the rebels, he gives us notice to prepare for new pretensions: under colour of demanding security for the liberty of the people, he seeks nothing but to destroy that of the senate.

146
B.C. 492.

Seven
years
consul-
ship.

“ But to come to the chief point, upon which we meet this day: I say, that it is striking at the very foundation of a state to change its laws; and that it is impossible to annul the contracts between private persons, without violating the public faith, the bond of society. Will you now grant to a seditious mob, who are ready to turn their arms against their country, what you have often prudently refused to quiet citizens, and to brave soldiers? Consider that you can make no concession in this article of the debts, without opening a door at the same time to new pretensions. Before it be long, the leaders of the sedition, in concert with M. Valerius, will want to be admitted into the chief dignities of the state. May the tutular gods of Rome grant, that the government do not at last fall wholly into the hands of a base populace, that will punish you for your weakness, and banish you yourselves from your country!

“ Endeavours are used to terrify you with the arms of the rebels: but have you not their wives and children

in hostage? Will they, with open force, attack a city which encloses all that they hold most dear? But I shall grant, that they have no more regard to the ties of blood, than to the laws of the government: have they the generals, the provisions, the money, necessary to maintain themselves in such an enterprise? What will become of them during winter, which is now approaching, without bread, without shelter, and without daring to straggle for fear of falling into our hands? If they take refuge among our neighbours, will they not find the government there, as well as at Rome, in the hands of the great? Can rebels and runaways expect to be placed in any other condition than that of wretched slaves? Perhaps it is feared, that our neighbours and they will join their forces and besiege Rome; and that the city will not have a sufficient number of inhabitants for its defence; as if the strength of the republic lay wholly in the rebels. But have you not amongst the patricians a flourishing youth, and full of courage? Our clients, who are the soundest part of the plebeian body, are they not, like us, immovably faithful, to the interest of the commonwealth? It appeared by the last numbering of the people, that we had no less than 130,000 men fit to bear arms; there is scarce the seventh part of these among the malcontents. But, if occasion be, let us arm our slaves, let us make of them a new people; these we shall find obedient. In our service, and from our example, they have learnt the discipline of war. How courageously will they fight, if liberty is to be the reward of their valour! If all these helps do not seem sufficient, recall your colonies. Nay, rather than submit to receive law from the rebels, grant the Latins the rights of citizens of Rome, which they have so long sued for; you will then see them immediately run to your assistance; and you will want neither soldiers nor citizens. To reduce my opinion to a few words, I think we ought not to send deputies to the rebels, nor do any thing that can

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show the least fear or uneasiness. If they return to their duty, we ought to use them gently; but, if they persist in their revolt, fall upon them sword in hand."

This advice was approved, though for different reasons, by the faction of the rich, and by all the young senators. On the other hand, the two consuls, favourers of the people, and the old men, naturally timorous, maintained, that civil war was the greatest calamity that could befall a state. The same was urged by such of the senate as regarded only the preservation of the public liberty, and who doubted whether some ambitious and enterprising man might not arise even out of the body of the senate, and, by the help of these divisions, make himself sole master of the government. But scarce were they so much as heard; the place was filled with clamour and threatenings. The youngest senators insolent upon account of their birth, and jealous of the prerogatives of their rank, went even so far as to intimate to the consuls, that they suspected them. They put those magistrates in mind, that being in the place of the kings, it was their duty to maintain, against the invasions of the people, not only the regal authority, but that of the senate; and the more violent declared, that if the least insult were offered to the latter, they would take arms to preserve to their order an authority which they had received from their ancestors.

The consuls, having conferred together, determined to give these warm spirits time to cool; and for that purpose to put off the decision of this great affair to another day: but, before the assembly broke up, in order to intimidate the young senators, who had talked in so audacious a manner, they threatened them, that unless they behaved themselves for the future with more modesty in so venerable an assembly, means would be found to exclude them wholly from it, by affixing the age necessary for a senator.^o As this had not yet been settled,

^o That there was a certain age, in after-times required, is plain from the frequent

the young men, more afraid of losing their dignity than their point, truckled to the menaces and power of the consuls, who, at the same time, made use of another artifice against the older senators who opposed the abolition of the debts. They told them, they could no longer bear this division in the senate; and that if the fathers did not enter into more unanimous measures, they would carry the affair before the people, to whom, as it related to war, they could not, without injustice, refuse the cognizance of it, according to what had been practised even under the government of the kings.

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Those of the senators who had embraced Appius's opinion with most warmth, plainly saw by the turn which the consuls gave to this affair, that it would slip from them, if they persisted in their first sentiments. The fear of falling into the people's hands, staggered them; and the tears and cries of the women and children who embraced their knees, and begged of them their fathers and husbands, gained them over entirely; so that, the senate being convened again, they declared for coming to an agreement with the malcontents. Appius remained almost alone in his opposition. Addressing himself to the two consuls, he said; "I find, it will be to no purpose for me to offer any thing farther upon this matter; you seem resolved to treat with the rebels upon their own conditions; however, you will give me leave to declare once more, that this shall never be with my consent. I repeat it, that I think we cannot indeed have too much regard to the miseries of those debtors who have continued faithful and obedient to the govern-

P. 393.

use of *ætas senatoria* in authors. Dio Cassius positively limits it to five-and-twenty, which was the soonest time any one could have discharged the questorship, the first office of any considerable note: yet we meet with very many persons promoted to this order, without any consideration had to their years, as it usually happened in all other honours whatever. Ken. Antiq. p. 102.

Feasibility established among the Bithynians, a law by which no one could become a member of their senate, till he was thirty complete. It is probable that he followed the custom of the Roman republic in this regulation; and the more so, because Pliny the Younger tells us, in one of his letters to the emperor Trajan, that the Bithynians made the Romans their pattern, especially in what related to their magistracy and senate. G. & R.

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ment; and I affirm, that all manner of negotiation with rebels is dangerous, so long as they continue in arms."

As the fathers had already taken their resolution, they gave no longer any heed to the opposition of this inflexible senator; but named ten commissioners to treat with the malcontents; and chose them out of those of their own body, who had always declared in favour of the people. At the head of this deputation were T. Lartius, Menenius Agrippa, and M. Valerius, all three in great esteem, and of whom two had governed the republic, in quality of dictators; they set forward with their colleagues towards the camp. This great news got thither before them; and the soldiers ran out in crowds to receive them.

§. III. AMONG the seceders was a certain plebeian named Lucius Junius, and who, out of a ridiculous vanity, had assumed the surname of Brutus, that he might have the greater resemblance to the illustrious deliverer of his country from the Tarquins. Notwithstanding this affectation, for which many of his companions laughed at him, he was a man of singular penetration and foresight, and wanted not the talents of speaking readily and to the purpose. He advised Sicinnius, the leader of the mutineers, to cross the negotiation at first, and to start new objections against a reunion, in order to find out what advantage they might get from it, and at what price the other party would purchase it. "The senate (said he) betray their fear; we are masters, if we know how to improve this opportunity; let those grave senators deliver their errand; I undertake to answer them in the name of our companions; and I hope to do it in a manner that will not be unserviceable to the common cause."

These two heads of the secession having agreed upon the different parts they were to act, Sicinnius introduced the deputies into the camp, who, when they had placed themselves where they could be heard by the

multitude, which flocked about them, were told that they might give an account of their commission. * Ma-
 nius Valerius then said, that he brought them joyful
 news; that the senate had not only decreed an amnesty
 of all their past faults, but had empowered him and his
 colleagues to grant them all the favours that were com-
 patible with the honour of the patrician body; and that
 there was nothing now to hinder them from returning
 to the city. To this he added some pressing exhorta-
 tions to the seceders, not to neglect the present favour-
 able opportunity, which the senate's great condes-
 ension and goodness gave them, of putting a happy period to all
 their discontents.

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 teenth
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 ship.
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When Valerius had ended, Sicinnius observed to the
 audience, that, in affairs of importance, prudent men
 never came to a determination, upon hearing only what
 could be said on one side of a question; and he declared,
 that whoever was willing to answer Valerius, might
 speak his objections without shame, or fear, or reserve;
 the necessity of the case not admitting of ceremony
 or human respects. Nevertheless, a profound silence
 reigned in the assembly: the soldiers stood looking at
 one another, each expecting that some other would
 make himself advocate for the common cause. Then
 Brutus, pursuant to his agreement with Sicinnius, step-
 ped forward, and, addressing himself to his comrades,
 said, "From this deep silence, fellow-soldiers, one would
 imagine, you are still awed by that servile fear in which
 the patricians and your creditors kept you so long.
 Every man consults the eyes of the rest to discover,
 whether there be more resolution in others than he
 finds in himself; and not one of you has the courage to
 speak, in public, that which is the constant subject of
 your private conversations. Know you not that you
 are free? This camp, these arms, have they not con-
 vinced you, that you are no longer under your tyrants?
 Or, if any doubt remained, this step which the senate

P. 396,
 et seq.

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teenth
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ship.

has now taken, is not this sufficient to satisfy you? Those patricians, so haughty and imperious, now send to court us: they no longer make use either of proud commands, or of cruel threats: they invite us as their fellow-citizens to return into our common city; nay, some of our sovereigns, you see, are so gracious as to come to our very camp, to offer us a general pardon. Whence then can proceed this obstinate silence, after such singular condescensions? If you doubt the sincerity of their promises; if you fear, that, under the veil of a few fine words, they conceal your former chains, why do you not speak?—All silent?—Hear then a Roman, who has the courage to declare his thoughts freely to these ambassadors, and to dissemble nothing.”

Then turning to Valerius, “ You invite us to go back to Rome; but you do not tell us upon what terms we are to be there: can plebeians poor, though free, think of being united with patricians so rich, and so ambitious? And should we agree to the conditions you have to offer, what security will the patricians give us for the performance? Those haughty patricians, who make it a merit among themselves to have deceived the people? You talk to us of nothing but condescension and forgiveness, as if we were your subjects, and subjects in rebellion; but that is the point to be discussed. Is it the people or the senate who are in fault? Which of the two orders was it that first violated those laws of society, which ought to reign among the members of one and the same republic? This is the question.

“ In order to judge of this without prejudice, give me leave barely to relate a certain number of facts, for the truth of which I will appeal to no other but yourself and your colleagues.

“ Our government was originally monarchic; we had seven kings in succession; and none of them ever did the people the least wrong. Tarquin himself, the last of those princes, Tarquin, so odious to the senate

and the nobility, favoured our interests as much as he opposed yours. He loved the soldiers: he had an esteem for valour; he was always for rewarding it; and every body knows, that having found immense riches in Suessa, a town of the Volsci, which he had taken, he chose rather to leave the booty to his army, than to appropriate it to himself; so that beside the slaves, the horses, the corn, and the household-stuff, there remained over and above to each soldier five minæ of silver.

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ROME
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teenth
consul-
ship.

154. Ar-
buthnot.

“ Nevertheless, to revenge your wrongs, we drove that prince from Rome; nor were all his repeated solicitations and rich offers sufficient to move us, to forsake your interests and return to his obedience. We afterward cut to pieces the armies of Veii, and Tarquinii, which endeavoured to restore him to the throne. The formidable power of Porsena, the famine we underwent during a long siege, the fierce assaults, the continued battles—Were all these, or in short, was any thing, capable of shaking the faith which we had given you? Thirty Latin cities united to restore the banished king. What would you have done, if we had then abandoned you, and joined your enemies? We might have had any rewards from Tarquin, while the senate and nobles would have been the victims of his resentment. Who dispersed that dangerous combination? To whom are you obliged for the defeat of the Latins? Is it not to this people? To them you owe that very power which you have since turned against them. What recompense have we had for the assistance we gave you? Is the condition of the Roman people one jot the better? Have you associated them in your offices and dignities? Have our poor citizens found so much as the smallest relief in their necessities? No, our bravest soldiers, oppressed with the weight of usury, have been groaning in the chains of their merciless creditors. All those fine promises of abolishing in time of peace the debts which

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ship.

the extortions of the great had forced us to contract, what is become of them? Scarce was the war finished, but you forgot both our services and your oaths. With what design then do you come hither? Is it to seduce this people by the enchantment of words? The most solemn oaths have not strength enough to bind your faith. And after all, what would you get by a union effected by artifice, never free from mutual distrust, and which must end at last in a civil war? Let us on both sides avoid such heavy misfortunes: send to us our wives and children: suffer us to depart from this land of our nativity, where we are loaded with chains like so many slaves; or at best, are only farmers of our own inheritances, and constrained to cultivate them for the profit of tyrants. So long as we have our swords in our hands, we shall be able to open ourselves a way into more fortunate climates; and wherever the gods shall grant us to live in liberty, there we shall find our country."

D. Hal.
p. 403.

This bold discourse renewed in the assembly the melancholy remembrance of all those miseries whereof the people had so frequently complained: every man was eager to quote examples of the rigour of the patricians: some had lost their inheritances; others had suffered in the prisons of their creditors; several shewed the marks of the stripes they had received; and there was not one who, beside the general cause, had not a particular injury to revenge.

The venerable T. Lartius, undertaking to answer Brutus, began with the article of the debts. He said, that to hinder men, who had fairly lent their money, from exacting the payment of it, had been a thing impracticable; and that it was without example in any well-regulated state, that the magistrate should refuse the aid of the laws to those who demanded it, so long as those laws and customs served as a rule in the government. That nevertheless, as the creditors had

P. 404.

doubtless been cruel to their debtors, the senate was willing to look into the necessities of the people, and to provide a remedy for them by new regulations; but that it became the senate's justice at the same time to distinguish men who, though not fortunate, had been ever sober and industrious, from such as were fallen into poverty, only through their own sloth and intemperance: that it was highly unjust in the plebeians to extort, by force of arms, an abolition of the debts, when they might obtain it by fair means; and to complain of the senate as refusing what they demanded, when they ought only to complain of those who threw obstacles in the way of the senate's good intentions.

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R O M E
560.
B.C. 492.
Seven-
teenth
consul-
ship.

Lartius, continuing his discourse, was beginning to say something of the rashness of their enterprise, when Sicinnius, provoked at what he had thrown out against him and Brutus, and addressing himself to his companions: "You now see by the haughty speech of this patrician, what you are to expect from his negotiation, and what treatment is preparing for you at Rome, if the senate can once draw you into their power:" and then, turning immediately to the deputies: "Propose directly the conditions you are empowered to offer us; or this instant leave our camp, where we are not disposed to bear with you any longer."

§. IV. THESE words were highly applauded by the multitude. But then Menenius, in the midst of their acclamations, made a sign to them, that he had something to say, his known character of integrity, and of being a friend to the people, easily gained him attention. Silence being made, he told them, that the commissioners were not come to the camp only to justify to them the senate's conduct, but also to inform them of what the senate had resolved in their favour. That the fathers, studious of the public good, had carefully inquired into the causes of the unhappy divisions, and had found that the severity of the creditors to their

P. 405.
et seq.

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ROME
666.
B.C. 495.

Seven-
teenth
consti-
tution.

debtors was the true source of them. That, in order to remedy these evils, they had determined a remission of all debts due from insolvents: liberty to all debtors, whether actually in arrest or in danger of being so, in consequence of any sentence given against them: and that as to debts which might be contracted hereafter, a new regulation should be made by the people and the senate in concert, and should become an established law: and that all the commissioners in the assembly engaged their lives to the people, and devoted themselves and their children to the infernal gods, if they failed in their promise.

Livy,
b. 2.
c. 32.

Plut. in
Coriol.

D. Hal.
p. 407,
408.

This prudent senator finding the minds of the people softened by the promise he had made them, and desiring to extinguish, as much as possible, their jealousy and hatred of the senate, by convincing them, that subordination in the state was necessary, and that the higher orders of men were as useful to the lower, as the lower to the higher; he, to make this truth the more palpable to them, employed the famous apologue of a conspiracy of all the members of the human body against the stomach, under pretence that this alone, without working, enjoyed the fruit of all their labours. Having applied it to the people and the senate, he desired them to consider, that this august body, like the stomach, conveyed into the several members joined to it, the same nourishment that it received itself, but much better prepared, and that to it alone they owed their life and strength. He added, "Cease then, Romans, unjustly to accuse the senate of having driven you from your country, and reduced you to the condition of indigent vagabonds: the fathers have never, indeed, done you any injury, nor have they any disposition to hurt you: far otherwise, they call to you, they entreat you to return; they have opened to you the gates of Rome, and with open arms are ready to receive you."

While Menenius was speaking, it was visible that his

words made a considerable impression on the seceders; but when, in the close of his discourse, he fell to a pathetic bewailing the calamities of his country, the impending miseries that threatened all his fellow-citizens, as well those within the city, as those without,—the whole multitude broke into tears, and they all cried out to him, as with one voice, to lead them back, without delay, to Rome. The artful Brutus, however, put a stop to this sudden emotion. He told the people, that in truth they ought to be very thankful for the favour shewed them at present in the abolition of the debts; but that he could not forbear letting them know, he was very anxious about the future, much fearing, that the senate would one day revenge themselves for the just concessions they had been forced to make, unless means were found to secure the rights and liberties of the people against the enterprises of so ambitious a body.

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R O M E
500.
B.C. 402.
—
Seven-
teenth
consul-
ship.

“What better security (said Menenius) can you ask, than what our laws and the constitution of the republic already afford?”—“Grant us (answered Brutus) the privilege of creating annually, out of the body of the plebeians, some magistrates, who shall have no other power but that of succouring the plebeians, when injustice or violence is done to them, and of defending their rights both public and private. We desire, we earnestly entreat, you not to refuse us this request; but generously to add this to the other favours which, of your own motion, you have already granted us. If you came hither with a sincere intention of peace, you cannot reject so equitable a proposal.”

P. 409.

The people highly applauded this answer. On the other hand, the deputies, extremely surprised at the new demand made by Brutus, retired a little apart from the assembly to confer together; but soon returned. Menenius then said, that though he and his colleagues had full powers to treat, they did not think it would become them to make use of those powers in the present in-

stance: that the thing asked was very extraordinary, and what, he feared, might one day prove a source of much dissension: that, nevertheless, the deputies would not oppose the people's request, and did not doubt but the fathers would comply with it: and that he himself, with one part of his colleagues, would stay in the camp, while Valerius, with the other, would go and report the matter to the senate; whose answer they would doubtless bring in a very short time.

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ROMAN
260.
B. C. 408.
Seven-
teenth
consul-
ship.

These commissioners repaired with all expedition to Rome, and laid before the senate the new pretensions of the seceders. Valerius made himself their advocate. Appius heard him with indignation. He called the gods to witness the innumerable mischiefs which he pretended to foresee from such an innovation in the government. But the angry senator could not prevail; the majority being inclined to peace, a *senatus-consultum* was passed to permit the creation of new magistrates, who were to be called tribunes of the people.

P. 410.

This decree (which included also the abolition of the debts) the deputies carried to the camp as the seal of peace. The seceders (in pursuance of the advice given them by Menenius) sent L. Junius Brutus with M. Decius and Spurius Icilius, to finish, in form, the accommodation with the senate; which was accordingly done by the ministry of the *feciales*. Brutus and his colleague returned the next day to the camp; and then was held an assembly by *curiæ*; where they chose, for the first tribunes of the people (according to Dionysius), L. Junius Brutus, and C. Sicinnius Bellutus, the leaders in the secession, with whom they joined C. and P. Licinius and Sp. Icilius Ruga in the same dignity.

The election over,^P the deputies imagined that all

^P The tribunes were elected the 10th of December, which continued ever after to be the day when these magistrates entered on their office. Livy says, that C. Licinius and Lucius Albinus were the first tribunes, and that they chose themselves three colleagues, among whom Sicinnius Bellutus was one; and the same historian adds, that according to some authors, there were but two tribunes created upon the *Monte Sacro*.

business was finished. But Brutus not yet content, having convened the people, advised them to make a law (before they left the camp), declaring the persons of their tribunes sacred. The motion was universally approved. He and his colleagues drew up the law in writing, and the assembly passed it. By this law, whoever offered the least violence to a tribune, was declared accursed; and his effects confiscated to the goddess Ceres: he might with impunity be slain without any previous form of process. And all the Romans were to engage themselves by oath, and under the most dreadful imprecations, in their own name, and in that of their posterity, never to repeal this law. The people, after these regulations, erected an altar to Jupiter the Terrible, upon the top of the hill where their camp stood, and when they had offered sacrifices to the god, and consecrated the place of their retreat, they returned to Rome, led by their tribunes, and the deputies of the senate.

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R O M E
260.
B.C. 492.
Seven-
teenth
consul-
ship.

P. 411.

CHAP. VIII.

SECT. I. The tribunes of the people obtain of the senate, that two officers be annually elected (out of the plebeians) to be their ministers and assistants; who are afterward called *ediles*. **II.** The war is renewed against the Volsci. The Roman arms prevail. Caius Marcius Coriolanus signalizes his courage in this war. **III.** T. Geganus and P. Minucius are chosen consuls. Rome suffers extremely by a famine, and this calamity revives the civil dissensions. The senate, to disburden the city, send away great numbers of the people to plant two colonies. The plebeians, who remain at Rome, grow more mutinous, in proportion as the famine increases. **IV.** The tribunes give out, that the dearth of provisions is owing to the malice of the senate. The consuls convene the people to undeceive them. The tribunes dispute with the consuls the right of speaking in the assembly. The next day, a law is passed by the people, *tribuno rogante*, whereby it is made penal to interrupt the tribunes when they are speaking in the comitia. Coriolanus, at the head of some volunteers, takes the field and ravages the enemy's territory, sharing all the spoil among his soldiers.

Pleb.
afterward called *ediles*.
The Roman
261.

§. I. **R O M E**, by the establishment of the tribuneship, made a great advance towards a new change in the form of her government. It had passed before, as we have already seen, from the monarchic state, to a kind of aristocracy; for upon the expulsion of Tarquin, the whole authority did really and in fact devolve upon the

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R O M E
260.
B.C. 492.
Seven-
teenth
consul-
ship.

Year of
R.O. 146
950.
B.C. 494.

Seven-
teenth
consul-
ship.

senate and the great : but now, by the creation of the tribunes, a democracy began to take place ; and the people, by insensible degrees, and under different pretences, got possession of the much greater share in the government.

The senate indeed had no reason at first to apprehend so fatal a mischief to their authorities from the tribunes. These officers, at their original institution, had neither the quality of senators, nor a particular tribunal, nor any jurisdiction over their fellow-citizens ; they could not properly be called magistrates. Habited like mere private men, and attended by only one servant, called viator, who was little different from a footman, they sate upon a bench without the senate, and were never admitted into it but when the consuls called them in to ask their opinion upon some affair that concerned the interests of the plebeians. Their sole functions were to defend the plebeians ; to interpose in all grievances and impositions offered them by their superiors. This interposing in matters decreed, or going to be decreed, by the senate or the magistrates, was called *intercessio*, and was performed by pronouncing only one word, *Veto* (I forbid it). But this power was confined within the walls of Rome, or extended at most to a mile round it. And that the people might always have protectors at hand, the tribunes were not allowed to be absent from the city any one whole day, except in the *Ferix Latinæ*. For the same reason they were obliged to keep their doors open day and night to receive the complaints of such citizens, as should stand in need of their protection.

Livy, b.
3. c. 20.
D. Hal.
b. 8. p.
554.
A. Gell.
l. 3. c. 2.
Macrob.
Sat. l. 1.
c. 3.
D. Hal.
b. 6. p.
412.

These officers, immediately after their establishment, obtained permission of the senate, that two persons, who should be their substitutes and assistants in the multitude of their affairs, might be annually chosen out of the plebeians : and such was the origin of the *plebeian ædiles*. They were at first called ministers and assistants of the tribunes ; and, in the beginning, were indeed nothing more than the tribunes' agents ; but they had,

in after-times, the inspection of the public edifices, the care of the temples, baths, aqueducts, and the cognizance of a great many affairs of the like nature, which before belonged to the consuls: and then they were styled *ædiles*.

§. II. ALL opposition to the making of regular levies being now at an end, the consul Cominius led an army against the Volsci. He defeated them in battle, and took from them Longula and Polusca; after which he besieged Corioli, a city strongly fortified, and which might be called their capital. He carried this place, and gained a victory over the Antiates the same day; but Caius Marcius, an eminent patrician, had all the glory of both actions. The troops detached by the consul to scale the walls of Corioli being repulsed in their first assault, Marcius rallied the runaways, led them on afresh to the charge, drove back the enemy within their walls, and entering the city with them, made himself master of it. This exploit achieved, he with all expedition put himself in the foremost ranks of the consul's main army, that was just going to engage with the Antiates, who were come to the relief of the place; and there he behaved himself with equal bravery, and had equal success.

The next day the consul, having erected his tribunal before his tent, called the soldiers together. His whole speech to them was little more than a panegyric upon Marcius. He put a crown upon his head, assigned him a tenth part of all the spoil, and, in the name of the republic, made him a present of a fine horse with stately furniture, giving him leave at the same time to choose out any ten of the prisoners for himself; and, lastly, he allotted him as much money as he could carry away. Of all these offers Marcius accepted only the horse, and one captive of the ten, an old friend of his family, that he might give him his liberty. So generous and disinterested a conduct left no room for jealousy or envy: and to add to the glory of the brave warrior, the consul

Year of Rome 386.

B.C. 496.

Seventeenth

consul-

ship.

Ab. Ædi-

bus cu-

randis.

Liv. b.

2. c. 33.

Plut. in

Coriol.

p. 216,

217.

D. Hal.

b. 6.

p. 413.

P. 214.

Plut.

p. 218.

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D. Hal.
p. 415.

bestowed on him the surname of Coriolanus, transferring thereby from himself to Marcius all the honour of the conquest of Corioli.

Cominius, at his return to Rome, disbanded his army; and war was succeeded by works of religion, public games, and treaties of peace. The Latins having of late deserved well of the republic, a new treaty of peace and alliance was made with them, and confirmed by oaths; and in memory of the happy reconciliation between the senate and people, a third day was at this time added to the *Feriæ Latinæ*.

During this festival Menenius Agrippa died, and in great poverty, like Poplicola. His relations thought to bury him privately, and without ceremony; but the people being informed of it, they agreed to pay a sextans (or two ounces of brass) per head, in order to have magnificent obsequies for him. Upon this the senate entered into an emulation with the commons, and would by no means suffer an illustrious patrician to be buried at the expense of the plebeians. They allotted a sum out of the public treasury for his funeral, and committed the care of it to the *quæstors*. Nevertheless the people refused to receive back their money, and ordered it to be given to Menenius's children, to comfort them in their indigence, and excite them to the pursuit of virtue.

P. 415.

A census and a lustrum closed the events of this memorable consulship; there appeared to be in Rome at this time no more than 110,000 men fit to bear arms, a number by many thousands less than at the last enrolment.^a

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B. 7.
p. 417.
Livy, b.
2. c. 34.
D. Hal.
p. 418.
487.

§. III. UNDER the following administration of T. Geganius and P. Minucius, Rome was terribly afflicted by a famine, occasioned chiefly by the neglect of ploughing and sowing during the late troubles; for the secession had happened after the autumnal equinox, about sowing time; and the accommodation was not made till just before the winter solstice. The senate dispatched agents

^a Doubtless great numbers had run away to avoid being slaves to their creditors.

into Hetruria, C  mpania, the country of the Volsci, and even into Sicily, to buy corn. Those who embarked for Sicily met with a tempest which retarded their arrival at Syracuse ; where they were constrained to pass the winter. At Cum  , the tyrant Aristodemus seized the money brought by the commissaries ; and they themselves with difficulty saved their lives by flight. The Volsci, far from being disposed to succour the Romans, would have marched against them, if a sudden and most destructive pestilence had not defeated their purpose. In Hetruria alone the Roman commissaries met with success. They sent a considerable quantity of grain from thence to Rome in barks ; but this was in a short time consumed, and the misery became excessive : the people were reduced to eat any thing they could get ; and nature in so great extremity loathed nothing.

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During this distress a deputation came from Velitr  , a Volscian city, where the Romans had formerly planted a colony, representing, that nine parts in ten of its inhabitants had been swept away by a plague, and praying the Romans to send a new colony to people it. The conscript fathers, without such hesitation, granted the request : for they considered that Velitr   might be an excellent barrier against those of the Volsci who should be disposed to invade the Roman territory ; and that by discharging Rome of a great number of the citizens, the famine would be lessened. But what more than any thing else determined them to this measure, were the murmurings of the people against the patricians for not having foreseen and prevented, by timely precautions, the present calamity. Some went so far as to accuse the nobles of designedly bringing the famine upon the plebeians, by way of revenge for the secession. The senate therefore pressed the departure of the colony, and without delay named three leaders to conduct it.

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Coriol.
p. 219.

D. Hal.
p. 426.

The people at first were very well pleased with the proposal, as it gave them a prospect of relief in their

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hunger : but when they reflected on the terrible havoc the plague had made among the old inhabitants of Velitæ, they began to fear, that the place might be still infected ; and this apprehension became so universal, that not one of them would consent to go thither. Nevertheless the senate at length publishing a decree that all the citizens should draw lots, and that those to whose lot it fell to be of the colony should instantly march for Velitræ, or suffer the severest punishments for their disobedience, fear and hunger made the people comply ; and the fathers, a few days after, sent away a second colony to Norba, a considerable city of Latium. But the patricians were disappointed as to the benefit they expected from these measures. The plebeians who remained in Rome, being more and more pressed by hunger and want, grew daily more angry with the senate. At first they assembled in small companies to vent their wrath in abusive complaints, and at length, in one great body, rushed altogether into the forum, calling out upon their tribunes for succour.

§. IV. THE tribunes made it their business to heighten the general discontent. Having convened the people, Spurius Icilius, chief of the college, inveighed* most bitterly against the senate, and when he had ended his harangue, exhorted others to speak freely their thoughts ; particularly, and by name, calling upon Brutus and Sicinius, now ædiles. These men, far from attempting to extinguish the fire, added fresh fuel to it. In set speeches, which they had purposely prepared, they instituted that the dearness of provisions was wholly owing to the resentment and revenge of the rich patricians, touched to the quick at the liberty the people had recovered by their secession : that having corn hid in their granaries, and money to buy what provisions were brought from foreign countries (while the plebeians had neither the one nor the other), they little troubled themselves about the famine : and that the sending away such a numerous

* P. 429.

colony of Roman citizens into an infected air, could be with no very good design.^r And the more to inflame the spirits of the multitude, they enumerated all the past insults which the people had suffered from the nobles. Brutus concluded his harangue with loudly threatening, that if the plebeians would follow his advice, he would soon oblige those men, who had caused the present calamity, to find a remedy for it : after which the assembly was dismissed.

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The next day, the consuls, greatly alarmed at this commotion, and apprehending, from the menaces of Brutus, some very mischievous event, thought it advisable to convene the senators, that they might consider of the best means to avert the impending evil. The fathers could not agree in opinion. Some were for employing soft words and fair promises to quit and gain over the most turbulent. But Appius's advice prevailed, which was, that the consuls should call the people together, assure them that the patricians had not brought upon them the miseries they suffered, and promise, on the part of the senate, all possible care to provide for their necessities ; but, at the same time, should reprove the disturbers of the public peace, and threaten them with the severest punishments, if they did not amend their behaviour.

When the consuls, towards the close of the day, having assembled the people, would have signified to them the disposition and intention of the senate, they were interrupted by the tribunes. A dispute ensued, in which no order or decency was observed on either side. Several speaking at the same time, and with great vociferation, no one could be well understood by the audience. The

^r The plebeians and their leaders were, doubtless, in some respects, very unjust towards the senate, on this occasion : yet the latter seem blamable for not having taken more early measures to prevent the scarcity of provisions, which the want of a year's crop must naturally occasion. And by the speeches which Diunysius and Livy (as we shall see hereafter) put into the mouth of Coriolanus, and which are represented as heard with applause by a great part of the senate, it appears, that there were many in that body, who meant to take advantage of the people's hunger to get the tribuneship abolished.

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consuls judged, that being the superior magistrates, their authority extended to all assemblies of the citizens. On the other side, it was pretended, that the assemblies of the people were the province of the tribunes, as the senate was that of the consuls. The dispute grew warm, and the hottest, in each party, were just ready to come to blows, when Brutus advancing into the midst of the assembly, and addressing himself to the consuls, promised them that he would quiet the tumult, if they would give him leave to speak. The consuls hearing a plebeian orator ask of them permission to speak, instead of asking it of his tribunes; and imagining from hence, that he yielded the point in dispute, readily consented to his request. Silence being made, Brutus without any preamble, fell at once to interrogating the consuls: "Don't you remember (said he) that in our treaty of accommodation, this right was granted by you to us, that when the tribunes should convene the people, on any affair whatever, the patricians should neither be present in the assembly, nor disturb it?"—"I remember it very well," answered Geganius. "Wherefore then (added Brutus) do you disturb us now, and hinder our tribunes from saying what they think fit?"—"Because (replied Geganius) the people are not now assembled by the tribunes' orders, but by ours. If the tribunes had convoked this assembly, they would have met with no molestation from us, nor would even our curiosity have brought us hither to hear what passed. Nor, though we convened the present assembly, do we object to their speaking: but we think it highly unjust that they should hinder us from exercising that prerogative."

Brutus hereupon cried out, "Plebeians, the victory is ours, our adversaries have yielded all we desired. Cease disputing to-day; to-morrow I will shew you what is the extent of your power. And you, tribunes, give place to the consuls for the present; you will not do it for ever, when you shall know the prerogatives of your dignity:

and these you shall soon learn. I promise you to make the thing clear to demonstration, and to humble, in some measure, the haughtiness of these patricians. If I deceive you, inflict upon me what punishment you please.

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Nobody offering to answer Brutus, the assembly broke up; and the two parties retired with very different thoughts. The indigent plebeians went home, persuaded that Brutus had hit upon some excellent scheme, and would not be so bold in promising, if he had not the means of performing. On the other hand, the patricians despised him as an idle boaster, and considered his promises as mere empty air; knowing very well, that the only power, granted by the senate to the tribunes, was that of succouring the plebeians in case of oppression. Not all the nobles, however, made so light of the matter. The oldest senators, especially, apprehended some great and incurable mischief from the fury of that enterprising plebeian.

Brutus spent the following night with the tribunes, imparting to them his project, and consulting with them on the best measures for its execution. Escorted by a considerable body of plebeians, they, by break of day, repaired to the forum, took possession of the temple of Vulcan (where it was usual for those to place themselves who intended to harangue), and presently gave orders to call the people together. The forum was quickly crowded; never was a greater confluence of the citizens. Then the tribune Icilius, stepping forward, entered into a long invective against the patricians, summing up all the hardships and oppressions which the people had formerly suffered from them. He added,—“And no longer ago than yesterday, they even hindered me from speaking, thereby depriving me of all power belonging to my office. For what power can we hereafter have to do any thing, if the liberty of speaking be not allowed us? How shall we be able to give you any assistance when oppressed by them, if we be deprived of the power of call-

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ing you together (and conferring with you)? for all business is begun by words; and certain it is, that they who have not the privilege to speak what they think, will never be able to execute what they desire. Take back therefore the authority you have given us, if you will not so confirm it to us, that we may have the free and undisturbed exercise of it; or, if you are willing to confirm it, make a law, prohibiting all persons from giving us hereafter any molestation."

This discourse being received with great applause, and the people crying out to him to propose the law, he immediately read it aloud to them (for he had prepared it the night before), and then, without delay, proceeded to take their suffrages; the affair requiring the utmost dispatch, lest the consuls should come and oppose it. The law was in terms to this effect: "When a tribune is speaking to an assembly of the people, let no one contradict or interrupt him. If any one violate this law, let him give security to the tribunes, to pay the fine to which, after trial, they shall condemn him. If he refuse, he shall be put to death, and his goods confiscated. If there happen any dispute concerning the fine, the people shall decide it."

* Mr. Vertot and Mr. Rollin seem to have wholly misunderstood this passage of Dionysius's History. To conform their narrations to their own ideas of his meaning, they have altered the words, which he puts into the mouth of Brutus, interrogating the consuls. They make Brutus's question relate only to the negotiations on foot at the time of the secession, "Whether it was not granted to the people, that during those negotiations, the managers for the people should have liberty to confer with them, without being molested by the patricians?" And the latter part of Geganus's answer, where he says, that "if the tribunes had convened the assembly then present, he would not have interrupted it, nor have come to hear what passed," they impute to the consul's hastiness, and his not foreseeing the consequences (of which inconsiderateness Dionysius says nothing). And they suppose that, by the new law, of which Brutus was the projector, the tribunes acquired the power of convening the people, and presiding in the assemblies by them convened, and that this was the great point now gained. La nouvelle loi, dont il s'agit, donne beaucoup plus d'étendue à la fonction des tribuns que la voie de simple opposition.—Cette loi leur donne expressément le pouvoir de convoquer les assemblées du peuple et d'y presider. Roll. Hist. Rom. vol. i. p. 496.

Mons. Rollin, that the law may the better square with his notion, makes it run thus, "In the assemblies of the people, held by the tribunes, let no one contradict them," &c. Now the words, held by the tribunes, are not in the law; and we may observe, that the pretence for making the law was the tribunes having been hindered the day before from speaking in an assembly held by the consuls. And there is not, in the law, one word of convening or presiding. And it appears, I think, very plainly

As soon as the tribunes had the law passed, they dismissed the assembly.

This transaction was followed by many disputes and altercations between the consuls and the tribunes, on various matters. The senate would not approve the plebiscita of the commons, nor would the commons confirm the decrees of the senate. Each party kept itself upon its guard

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from the concession, made by the consul Geganius to Brutus, in their dispute, that the tribunes, by the treaty of reunion on the Mons Sacer, were to have the privilege of convening the people as often as they pleased, and conferring with them, without being exposed to any molestation from the patricians. And the tribune Icilius speaks of this as a right belonging to them, and of which the patricians intended to deprive them : and what he urges upon the people is, to secure to the tribunes, by a new law, the undisturbed exercise of their undoubted right of speaking to the people assembled. It is probable, that when this right was first granted, there was no penalty laid on those who contradicted or interrupted the tribunes when speaking to the people ; and in this respect therefore the present law had something new , and it seems likewise to extend the privilege of the tribunes to all assemblies of the people by whomsoever called. But I should think, that the principal point gained by Brutus, on this occasion, was not any thing contained in the new law, but was rather his engaging the people to assume the power of making laws *tribunum rogante* (at the motion of a tribune.) The people were not accustomed to pass any thing into a law but what was proposed to them by the senate, or the patrician magistrates. Brutus had promised, not only to shew the tribunes the prerogatives of their office, but likewise to shew the people the extent of their power ; and this meaning could not be that he would shew them they had a title to powers which nobody disputed. In pursuance of this promise, he persuaded them (as appears by the event) that they had a right to enact laws, without any previous recommendation or approbation of them by the senate or consuls, and the sole request of the tribunes. The tribunes had hitherto held only *concilia*, councils, for conferring with the plebeians, but they now turned these *concilia*, into *comitia*, for making laws. This was a matter of great importance, extremely diminishing the authority of the senate, and augmenting that of the people and their plebeian magistrates.

It would seem that Brutus and the tribunes raised that quarrel, which they had the day before with the consuls, on purpose to bring about this design. They rudely interrupted the consuls when speaking, that they themselves might be interrupted, and so have a pretext for complaining of ill treatment ; and might by that complaint engage the people to make a law in favour of their tribunes, at the notion of their tribunes. And Brutus in this proceeding seems to have had a particular view to the affair of supplying the city with provisions ; which was the great business then in hand, what the people were most intent upon, and in which the confident promises of Brutus, had made the poor citizens hope some notable assistance from him. One of Brutus's views I say, in engaging the people to act independently of the senate, was, that in case the senate did not take such measures with regard to provisions, as the necessities of the people required, and the tribunes approved, the people and their tribunes might, by their own authority, regulate the matter according to their own desire. And we shall presently find them threatening the senate to exercise this authority.

It may be proper to observe, that though the new law above mentioned is here considered as the first *plebiscitum*, or law made by the people, *tribunum rogante*, yet we have seen, that Brutus, as soon as he was created tribune, acted the legislator in form, when, on the Mons Sacer, that law was made, which declared the persons of the tribunes *sacrosanct*. He is represented as convening the people, and proposing the law to the assembly. But, perhaps, as at this time all transactions were irregular, this was not looked upon as a precedent which could authorize an imitation of it, when things were settled ; and this might be the motive to Brutus and the tribunes to take such precautions for preventing opposition from the consuls in the affair of the new law ; in the very making of which the prerogative of law-making, independently of the senate, was assumed by the people and their tribunes.

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against the other. But these mutual jealousies and oppositions produced none of those mischievous effects, which are the usual consequences of civil dissension. The indigent plebeians (pacified probably by the late enlargement of their own authority and that of their tribunes) did not break open the houses of the rich patricians to search for hidden provisions; nor did they seize by violence what was brought from abroad to the markets; but contentedly purchased very small matters at high prices; and, when their money failed, feeding on roots and herbs, gathered in the fields, bore the famine with patience. Nor did the rich patricians, on the other hand take advantage of the superior strength they had, by means of their numerous clients and domestics, to fall upon the poor, enfeebled by hunger, slaying one part of them, and driving the other out of the city; but endured their offences (says Dionysius) with that gentleness and benevolence of mind, which prudent and indulgent fathers exercise towards their children.

During this distress of the Roman people, several of the neighbouring states invited them to come, as many as pleased, and settle in their territories, where they should be admitted to all the privileges of the natives. These invitations were made by some from good-will and commiseration; by others from jealousy of the former prosperity of the republic. Many Roman citizens accepted the offer, and removed from Rome with their families; and of these one part never returned, but the rest came back when the republic had recovered its tranquillity.

The consuls observing these migrations, resolved with the approbation of the senate, to raise an army, and lead it into the field. Some incursions, which the Volsci had made on the Roman territories, furnished a fair pretext for this measure, and it was hoped, that the unanimity, which generally reigns among fellow-soldiers in the same camp, would take place of that animosity be-

tween the patricians and plebeians, which was not yet extinguished ; and, at least, one advantage was sure to follow from the expedition, that the troops destined for the campaign, would find bread in the enemy's country, and thereby lessen the distress in their own.

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Nevertheless, the people, insensible to all these reasons, and dissuaded by their tribunes, would not give their names to be enrolled ; and the consuls thought it not advisable to put the laws in force, to constrain them. An army of volunteers was formed of patricians only with their clients, strengthened by some few of the plebeians, who joined them just before their marching from Rome. These were allured to the service by the perfect confidence they had of success ; a confidence founded on the experienced bravery and abilities of Caius Marcius Coriolanus, whom they were to have for their commander. The army advanced to the very gates of Antium, ravaged all the country about it, and brought from thence slaves, cattle, and corn, in great abundance. Coriolanus reserved no part of the booty for himself, but shared it all among the soldiers, who returned to Rome loaded with provisions. And then those of the people who had refused to serve, murmured at their tribunes for having diverted them from following so successful a leader.

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p. 219.

CHAP. IX.

262. **SECT. I.** Plenty of corn being brought to Rome from Sicily (in the consulate of M. Minucius and A. Sempronius), fresh disputes arise in the senate about the distribution of it. Coriolanus is for taking advantage of the people's distress to get the tribuneship abolished. The younger senators applaud the motion. II. The tribunes, who had been present at this debate, go away in a fury, and stir up the people to revenge. They cite Coriolanus to appear before them. He refuses. They endeavour to seize him as he comes out of the senate-house, but are repulsed by those who attend him. The consuls appease the tumult. III. Early the next morning the tribunes hold an assembly of the people on this affair. Minucius the consul, by gentle words, disposes the multitude to peace; but Coriolanus spoils all by a fresh declaration of the same sentiments which, before offended them. The tribunes condemn him to death. The patricians oppose the execution of this rash sentence, and the people seem not to approve it. The tribunes therefore resolve to prosecute Coriolanus in a legal way, and to convene the people by tribes for his trial. The assembly is adjourned.

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§. I. IN the following consulship of M. Minucius and A. Sempronius, plenty succeeding to the famine gave birth to new commotions at Rome.

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These magistrates took effectual care to store the public magazines with provisions, both from the maritime towns of Italy, and from the inland countries. About the same time the commissioners, whom the senate had employed to go into Sicily, returned with a great number of ships laden with corn. Gelo, tyrant of Syracuse, had made a present of one half of it, and the commissioners had bought the other very cheap with the public money: the question now arose in the senate, what price to set upon it; and the tribunes were called into the assembly, to give their opinion. Those of the senators who had no views, but to restore a perfect intelligence between the people and the senate, were for distributing gratis, among the poor, that corn which they owed to the liberality of the public treasure. But when it came to Coriolanus's turn to speak, this senator, to whom the institution of the tribuneship was odious, maintained, that such a condescension in the senate to the people would only encourage them in their insolence, that there was no keeping them to their duty any longer than they were in indigence, and that the time was now come to avenge the majesty of the senate, vio-

lated by a seditious rabble, whose leaders, by an additional crime, had extorted dignities for themselves, as a reward for their rebellion. It was thus that he declared himself in the very presence of the tribunes.

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But before we proceed to the consequences of this affair, it will be proper to give some farther knowledge of a man who is to act so great a part in this period of our history.

Caius Marcius Coriolanus was descended from one of the most illustrious patrician families in Rome: he received the surname of Coriolanus, as was before observed, for having taken, sword in hand, Corioli, one of the chief towns of the Volsci. Having, in his infancy, lost his father, he was educated by his mother, Veturia; for whom (as Plutarch tells us) he conceived so high a respect, and so tender a regard, that though no man was ever more ardent in the pursuit of glory, yet glory itself, the ultimate end of other men in their noblest actions, was by him coveted chiefly as a means to create delight and satisfaction to his mother. Happily disposed by nature, and virtuously educated, he kept himself master of those passions by which young men are usually enslaved; and so great an abhorrence he had of vice, that to be innocent, or to avoid injustice from the necessity which the laws imposed, or from fear of punishment, he reckoned not as virtue. He was frugal, disinterested, a contemner of riches, patient of hardships and fatigue: and never were these excellent qualities accompanied with a more exalted courage, or a greater capacity for the art of war; he seemed to have been born a general; but he was harsh and imperious in command; as severe to other men as to himself; a generous friend, an implacable enemy; too haughty for a republic. Though ambitious of the highest dignities, he neglected those arts of management and insinuation so necessary to obtain them in a state founded upon equality and freedom. He had stood for the consulship at the last elections,

Plut.
Life of
Coriol.
p. 214,
215.

D. Hat.
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p. 434.
Plut. in
Coriol.
p. 220.

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D. Hal.
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p. 437.
Plut. in
Coriol.
p. 221.

and most of the senators, with a crowd of other patri-
cians, had appeared for him. But this very recommend-
ation of him by the great proved the hinderance to his
promotion. For the tribunes, who dreaded the extra-
ordinary courage and firmness of Coriolanus, represented
the earnest solicitations of so many nobles as a kind of
conspiracy against the plebeians, and thereby engaged
the latter, though they had come to the assembly well
disposed in his favour to refuse him their voices. Of this
refusal he conceived the sharpest resentment, as he evi-
dently shewed on the present occasion. He said in full
senate, "If the people expect to have provisions at a
low price, let them restore to the senate its ancient
rights. Why must I behold plebeian magistrates in
Rome? I, who could not endure Tarquin upon the
throne, shall I suffer a Sicinnius to reign? let him se-
cede once more with his plebeians. The way is open to
the Mons Sacer, and to the other hills. Let them pil-
lage our fields as they did three years ago, and live upon
the crops they find there, the rich harvests their mad-
ness has occasioned. When tamed by hunger, they will
be more disposed (if I mistake not) to cultivate the
lands, than, by a new secession in arms, to hinder them
from being cultivated."

The popular and pacific men of the senate extremely
disliked this passionate and haughty speech; and de-
clared, that it was more like the ravings of a madman,
than the counsel of a wise politician. On the other
hand, almost all the young senators, with the rich and
the ambitious of the elder, gave it the highest com-
mendations. The majority of the assembly were for
abolishing the tribuneship, and re-establishing the go-
vernment upon its ancient foundations.

§. II. THE tribunes, who (as was said before) had been
called into the senate, broke out into the extremest pas-
sion of rage, when they saw how things went. To loud
complaints and reproaches, they added the sharpest in-

vectives against Coriolanus whom they styled an incendiary, and the pest of the republic ; and they threatened, that if the senate did not condemn him to death or banishment, they would do it themselves. Coriolanus, on the other hand, threatened them, that if they did not cease their insolence, he would find means more effectual than words to repress it. Most of the senate taking part with Coriolanus, the tribunes went out in the greatest fury, invoking the gods, the revengers of perjury, to witness the solemn oaths by which the senate had authorized the establishment of the tribuneship. They assembled the people tumultuously, and cried aloud to them, that the patricians had made a league to destroy them, their wives and children, unless they delivered their tribunes chained into the hands of Coriolanus, a new tyrant rising up in the republic ; and they sent him a summons to come and answer for his behaviour before the assembly of the people.

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2. c. 35.
D. Hal. b.
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Coriolanus naturally haughty and resolute, having contemptuously sent back their officer, the tribunes immediately went with a strong party of the most daring of the plebeians, and waited for him at the door of the senate, in order to seize him when he should come out. They met him, attended as usual with a crowd of his clients, and a great number of young senators, who had a respect for his person, and who thought it an honour to follow his opinion in the senate, and his example in war. The tribunes no sooner saw him, but they ordered Brutus and Icilius, who this year performed the office of ædiles, to lay hold of him and lead him to prison. But it was not easy to execute such a commission. The patricians, who thought it a most extravagant enterprise of the tribunes, to offer violence to a senator, against whom no process was commenced,* resolutely put themselves before him to defend him. They beat back the ædiles with their fists: no other arms were used in those days, in the city, the inhabitants never putting on the

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sword but when they marched out against the enemy. The tribunes, enraged at this resistance, called the people to their aid; the patricians received fresh succours from their own party, and the tumult increased. But the consuls at length arrived, and, more by entreaties than authority, prevailed upon both parties to retire.

§. III. BUT the tribunes did not stop here; they convened the people early the next morning, inveighed, as usual, against the whole order of the patricians; and then in particular against Coriolanus, enumerating his crimes; the words he had spoken in the senate relating to the corn; his refusal, when summoned to appear before the people; and his driving away with blows the ædiles, who were sent to arrest him. In conclusion they added, that if the patricians would speak in their own defence, they were at full liberty to do it; and they kept the people together, waiting till the senate should break up. For the fathers were at the same time deliberating, whether they should justify themselves to the people, or silently let things take their course. The former was at length resolved; and the consuls, having dismissed the assembly, repaired to the comitium, to clear the patricians from the charge against them, and to beg the people not to proceed to any harsh resolution against Coriolanus.

P. 439,
et seq.

Minucius, the first consul, spoke to the following effect. He first complained in general, and with abundance of moderation, of those who caught at the least pretence to raise new disturbances in the republic; and then remonstrated to the people, how very unreasonable it was to accuse the senate and patricians of having caused the dearth, when every body knew it to have been wholly occasioned by the desertion of the people, and their neglecting to cultivate and sow their lands. He told them, that the other calumnies they so often heard, of the senate's designing to abolish the tribuneship, and to make the whole Roman people perish by

famine were no less extravagant and monstrous. That to put a stop at once to reports so false and injurious, he declared to them, that the senate did again confirm the power of the tribunes ; and that as to the corn, they left it entirely to the people to fix what price upon it they themselves thought fit.

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The consul, after a preamble so well adapted to soften the minds and gain the good-will of the people, added, by way of a mild reproach, that he could not help blaming them for the precipitation with which they suffered themselves to be carried away by the first reports spread abroad by some particular incendiaries. That it was a strange thing to, hear the senate accused as criminal in relation to a matter wherein it had neither done nor determined any thing, and only because in the debates about it, the members had delivered different opinions. “ Remember (said he), that at the time of your secession on the Mons Sacer, all your entreaties, and even your utmost wishes, at first were only to obtain the abolition of the debts. Scarce had you received so great a favour, but you made yourselves a kind of new right, founded on the easiness of the senate, to demand the creation of two plebeian magistrates, whose whole authority, according to your own proposal, was to be confined to the hindering a patrician from oppressing a plebeian : a new grant, for which you returned us the greatest thanks, and which seemed to give you full content. In those times of trouble, even when the sedition was at the highest, you never thought of requiring a diminution of the senate’s authority, or an alteration in the form of our government. By what right then do your tribunes now pretend to carry their inspection, and give their censure upon what passes in our deliberations ? When, till now, was a senator ever treated as a criminal, for having spoken his mind freely in the senate ? What laws give you authority to demand his banishment or his death ? Let us suppose, since you will have it so, that

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Coriolanus has let slip some words too harsh in delivering his opinion, and that he is accountable to you for this; are you not obliged in equity to forget a few random words that were lost in air, for the sake of his real services, of which you yourselves have reaped all the fruit? Preserve the life of so excellent a citizen, preserve to your country so great a captain; and if you will not acquit him as innocent, at least grant him as criminal to the whole senate, who entreat this favour of you by my mouth. This will be a bond to unite us more closely than ever, and will be a new motive to the senate to continue their goodness towards you: whereas if you persist in your resolution of destroying this senator, perhaps the opposition you may meet with from the patricians may produce calamities that will make you repent of having pushed your resentment too far."

P. 442. This discourse made an impression upon the multitude, and brought them to an inclination for peace and union. Sicinnius was surprised and confounded at it; but, dissembling his uneasiness, gave great praises to Minucius and all the senators for having been pleased to condescend so far as to account to the people for their conduct, and for not having disdained to interpose their prayers and good offices in favour of Coriolanus. Then, turning to that senator, he added, in an ironical tone,

P. 443. "And you, excellent citizen, will you not defend to-day before the people, that advice so useful to the public, and which you so boldly gave in the senate? or rather, why have you not recourse to the clemency of the Roman people? for I would not advise you to deny a fact, of which there are so many witnesses, nor impudently attempt to justify it. Coriolanus, I suppose, thinks it below him, in person to ask pardon of the people, though not below the consuls and patricians to ask pardon for him."

Plat. in
Coriol.
p. 222.

The artful tribune spoke in this manner, because he was persuaded that Coriolanus, a man of too lofty a spi-

rit to retract what he had said, or to stoop to supplications, would provoke the people afresh by the haughtiness of his answers. Nor was he deceived in his hopes : for Coriolanus was so far from owning himself guilty, or endeavouring to pacify the people, as Minucius had done, that he quite destroyed the effect of that consul's speech, by an ill-timed resoluteness, and by the harshness of his expressions. He inveighed more violently than ever against the tribunes, and declared boldly that the people had no right to judge a senator : that, if any man was offended at what he had said in the senate, he might summon him before the consuls, whom he acknowledged for his legal judges, and before whom he should be always ready to give an account of his conduct. That, if he now appeared before an assembly of plebeians, on their citation, it was not to submit himself to their judgment, but to reproach them for their wicked behaviour at the time of the secession, and ever since ; and to exhort them to amend their manners.

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The young senators, charmed with his intrepidity, and overjoyed to have a man who durst speak openly what they all thought, cried out that he had advanced nothing but what was conformable to the laws ; but the people, who saw themselves despised, resolved to make him feel their power. Some were even for killing him instantly ; and the tribunes gave the reins to this fury. Sicinnius, without collecting the voices of the assembly, pronounced sentence of death against him, declaring that it was the sentence of the whole college of tribunes, as a punishment for his insult upon them the day before, in the persons of their ædiles ; and he ordered him to be thrown down from the top of the Tarpeian rock. The ædiles immediately drew near to lay hold of him ; but then all the patricians in the assembly, running to his assistance, they placed him in the midst of them, resolutely determined to oppose force with force. The tumult rose to a great height, and the two parties, from

D. Hist.
p. 444.

Plut.
p. 222.

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mutual reproaches, came even to blows. At length the consuls throwing themselves into the crowd, and ordering their lictors to disperse it, the tumult and scuffle presently ceased ; so great a reverence, says Dionysius, had the multitude in those days for that royal authority which resided in the consuls.

While Sicinnius, much disconcerted at this event, and yet very unwilling to quit his enterprise, was considering what new step to take, Brutus, that able counsellor, ever fruitful in expedients, taking him aside, represented to him, that he must never think of destroying Coriolanus so long as he was guarded by the whole body of the nobility ; that even the people had begun to murmur at his pretending to be both judge and party at the same time ; and the multitude, who turn in an instant from the most violent fury to sentiments of compassion, looked upon the sentence of death as too rigorous ; that in the present disposition of men's minds he would not succeed by ways of violence ; and that the most reasonable and unexceptionable method was, to cite Coriolanus to appear in judgment before the people ; and he advised him by all means to have their suffrages taken by tribes, where the great and the rich would be mingled with the poor, and every man's voice would be of equal value ; whereas, in an assembly by centuries, the rich patricians might carry their point against a majority of the citizens.

Sicinnius seeing no better way to extricate himself out of his perplexity, resolved to follow his friend's advice. Addressing himself to the people, " You see Romans, that no thanks are due to the patricians, if much blood is not shed this day, and that they are ready to come to the greatest extremities to rescue the declared enemy of the Roman people out of the hands of justice. Let us set them an example of more moderation. Some, to screen the delinquent, have cited the law which forbids the putting any man to death, before a formal trial and condemnation. Let us admit this plea, though they

act not legally towards us. Return home now, and wait a more favourable opportunity to do yourselves right. You will not wait long. As for us, when we have regulated some affairs more pressing, we shall appoint a day for Marcius to appear before you. In the mean time, as to what regards the price and distribution of the corn, if the senate do not take proper care of that matter, the tribunes will give directions about it themselves." Having thus spoken, he dismissed the assembly.

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CHAP. X.

SECT. I. The consuls endeavour by remonstrances to allay the heat of the tribunes, and bring them to conform to the ancient usages, which did not allow the people to take cognizance of any affair till it was referred to them by a decree of the senate. The tribunes consent to observe this rule, and desire they may be heard by the fathers in relation to their charge against Coriolanus. II. The tribune Decius makes a long speech in the senate, inveighing bitterly against the accused, and contending for the people's right to judge him. III. Appius Claudius in very strong terms opposes this pretension. IV. But Valerius, in terms no less strong, urges the expediency of the senate's compliance. He exhorts Coriolanus in the most pathetic manner to submit himself to the people's judgment; and he adds a discourse in behalf of a balance of power between the patricians and plebeians. V. It is carried by a majority of votes that Coriolanus shall be tried by the people. Coriolanus having assurances given him, that the accuser's charge shall be confined to the single crime of tyranny, consents to the drawing up of the decree.

§. I. THE consuls, having soon after assembled the senate, to deliberate on means for appeasing the present troubles, it was resolved, that they should endeavour to sooth the plebeians, by selling the corn to them at the lowest price it had ever been at before the secession; and likewise to engage the tribunes, for the senate's sake, either to drop the prosecution against Coriolanus entirely, or at least to defer it for a considerable time, during which the passions of the people might happily subside. The decree about the corn, when published, was universally well received and ratified; but the tribunes could not be prevailed upon, with regard to the trial, to grant any thing more than the delay requested. A farther delay was occasioned by some acts of hostility committed by the Antiates, which called the Romans

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into the field. But those enemies readily submitting, the troops in a short time returned home; and as soon as they were disbanded, Sicinnius called an assembly of the people, and named to them a day for Coriolanus's trial. He invited all the inhabitants of the city to be present at it, and ordered those who dwelt in the country to quit their work, and punctually repair to the assembly, that they might give their votes in an affair which concerned the liberty and safety of the whole state. And he likewise sent notice to Coriolanus to appear there, and answer for his conduct; assuring him, that he should have justice done him in all its forms.

P. 447. Great was the solicitude of the senate, to put a stop, if possible, to this proceeding. The consuls, not despairing to overcome the obstinacy of the tribunes, entered into conference with them upon the affair of the accused. Minucius put them in mind, that it was contrary to established custom, to refer any affair to the people, before it had passed the judgment of the senate: that the kings themselves had always had this deference for that august body. He exhorted them to conform to the usage of their ancestors, and, if they had any considerable grievances to lay to the charge of Coriolanus, to apply themselves to the senate, who, according to the nature of the crime, and the solidity of the proofs, would refer it, by a *senatus-consultum*, to the judgment of the people; who then, and not till then, would have a right to try a citizen.

Sicinnius clamoured against this proposal, declaring that he would never suffer the authority of the Roman people to be restrained and corrected by a *senatus-consultum*. His colleagues, however, were more tractable. By the advice of Decius, they consented that the senate should first make a decree upon the affair; a complaisance that, with regard to the present case, was of little moment, because they had doubtless taken a firm re-

solution, if the *senatus-consultum* were not such as they desired, to appeal from it to the assembly of the people, and for so doing to make the *lex Valeria*, their foundation of right ; so that, in reality, the only question was, whether the affair should be carried before the people in the first or second instance.

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When the tribunes consented to let the conscript fathers decree (as usual) whether the commons should take cognizance of the matter depending, they demanded, in return, that not only they themselves, who by their office were protectors of the people, might be heard in the senate, but any citizen, who would support the reasons of the tribunes, or oppose them ; and, they further insisted, that the senators should be all sworn, as judges used to be, to give their sentence according to truth and equity ; and that a decree should be made conformable to the opinion of the plurality. To these conditions the consuls agreed.

§. II. THE tribunes were the next day introduced into the senate. Decius, though a young man, was their speaker, an honour yielded to him, doubtless, because of his eloquence, and the readiness with which he expressed himself in public : “ You are not ignorant, conscript fathers, of what might happen to us, if a certain colleague of ours, who disapproves our coming hither to ask from you, as a favour, that power, to which by the laws we have a right, should bring us into judgment before the people for this proceeding : we should doubtless be condemned, as deserters and betrayers of our trust, to the most ignominious punishments. Nevertheless, confiding in the justice of our cause, and the sincerity of your oaths, we have ventured to come. And though we are inconsiderable men, little qualified to speak in a manner suitable to the importance of the subject, yet as the subject is so highly important, we doubt not but this will be sufficient to engage your attention to our words. And if that, which we are going

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to demand, shall appear to you to be just and useful to the republic, and even necessary to its welfare, we hope that you will readily, and without hesitation, comply with our request.

“When you, conscript fathers, having, by our assistance, expelled kings, and established the present form of government (of which we do not complain), came to remark, that the plebeians, in all controversies which they afterward had with patricians, were constantly worsted, you, by the advice of Valerius Poplicola, made a law, that any plebeian, who suffered violence and injustice from the patricians, might bring his cause before the people. And nothing contributed more than this law to the maintaining that union among the citizens, which enabled them to defeat the many attempts of Tarquin to reascend the throne. It is in virtue of this law, that we, the tribunes, now cite Caius Marcius before the tribunal of the people, to answer for the violence and injuries we have all suffered from him. And what need can there be of a previous *senatus-consultum* for this prosecution? In matters concerning which there are no laws enacted, you have a power to make decrees, which the people, if they please, may confirm by their suffrages. But in cases provided for by inviolable law, actually subsisting, we may certainly make use of this law, without waiting for a previous decree of consent from you. Will any one say, that every private citizen has the privilege of appealing to the people from an unjust sentence, but that we, the tribunes, have not the same privilege?

“With regard to natural rights, the unwritten laws of nature, we think it just, that the plebeians should be upon an equal foot with you. The honours, dignities, magistracies of the state, we readily yield to those of your order, who are most eminent for merit and riches. But not to suffer injuries, and, if any person do them, to bring him to condign punishment, we judge these

to be rights common to all the citizens. And, in this respect, we will not suffer the equality between the two orders to be destroyed. So much for the question of right.

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“ If it be asked, whether the granting what we now demand will be for the interest of the republic, there is surely no man, who considers, that discord is the greatest evil that can happen to a state, but must answer in the affirmative. I will suppose that it was against your inclination, and was neither for the honour, nor the particular advantage, of your order, to make us those concessions, which we obtained from you on the Mons Sacer. Yet as you have made them, and are bound by the most solemn oaths, never to violate the articles of our treaty, what consequences can you expect from your infraction of them, but a new revolt and a civil war? And what hope can there be of preserving that domestic peace which was then effected, if you refuse the people, assembled by tribes, the power of judging a private citizen, who not only has himself violated our convention, by insulting the tribunes in the persons of their officers, but has had the insolence to exhort you, in full senate, entirely to abolish the tribuneship, the strongest bulwark of our liberty, and principal bond of our reunion? Nor is this the worst of his crimes. You remember it well, conscript fathers, he audaciously told you, that the fortunate moment was come for revenging yourselves upon the people: he would have you keep up the high price of provisions, that you might thereby force one part of the poor plebeians to fly their country, and reduce the other, miserably to perish by hunger. Cruel and unthinking man! did he not consider that this people, whom he meant to exterminate with so much inhumanity, and who are more numerous and powerful than he could wish, being reduced to despair, would have broken into the houses of the rich, forced open those granaries and secret repositories which conceal so much wealth, and either have fallen under the power of

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the patricians, or effectually rooted out that whole order? Could he imagine that an enraged populace would in such a case have hearkened to any law but what was dictated by necessity and resentment?

“For, that you may not be ignorant of the truth, we would not have perished by a famine brought upon us by our enemies; but, having first invoked the gods, revengers of injustice, filled Rome with blood and slaughter. Such had been the fatal consequence of the counsels of that perfidious citizen, if some senators, better friends to their country, had not hindered them from taking effect. To you, conscript fathers, we address our just complaints. To your aid, and to the wisdom of your decrees, we have recourse, to oblige this public enemy to appear before the whole Roman people, and answer for his conduct. It is there, Coriolanus, that thou must defend thy counsels, if thou darest so to do, or excuse them, as proceeding from want of thought: take my advice: leave thy haughty and tyrannical maxims; make thyself less; become like us: nay, put on a habit of mourning; suit thyself to thy present fortune; implore the pity of thy fellow-citizens; perhaps thou mayest obtain their favour, and the forgiveness of thy faults.”

P. 453.

When Decius and his colleagues had said all they thought proper to say, the consuls asked the opinion of the assembly: they began with the consulars and the oldest senators; for in those days, says Dionysius, the young senators were not so presumptuous as to think themselves capable of instructing their seniors. Modest and reserved, and not daring to speak, they only gave their opinion by some sign, or by walking over to that side which they thought to be most in the right. It was from this respectful way of declaring their minds, that they were called *Senatores Pedarii* (from the Latin *pes*, a foot): thus it was a common saying, that a pedarian opinion was like a head without a tongue.

§. III. APPIUS CLAUDIUS, when called upon for his opinion, spoke to this effect: "You know, conscript fathers, that I have long opposed, and frequently alone, that too great easiness with which you grant the people whatever they demand. Perhaps I made myself troublesome, when I so frankly laid before you the misfortunes which I presaged would follow from our reunion with the deserters from the commonwealth. The event, however, has but too well justified my apprehensions. The people take advantage of your favours to ruin your authority; you cannot but see that there is a design to change the form of our government. At first the only demand was the abolition of the debts; and this people who are now so haughty, and who endeavour to make themselves the sole judges of the senators, then thought they stood in need of a pardon, for the disrespectful manner in which they sued for that first concession.

"Your easiness gave occasion to new pretensions; the plebeians would have their particular magistrates. You know how earnestly I opposed this innovation; but you assented in this point also: you allowed the annual creation of tribunes, that is to say, ringleaders of sedition. Not content with this, the people would have the persons of their tribunes declared sacred and inviolable, made secure by the most solemn oaths; privileges never granted even to the consuls: yet you, conscript fathers, suffer this usurpation too, and swore upon the altars the destruction of yourselves and your posterity. What has been the fruit of all these favours? They have only served to encourage the people to farther encroachments upon your authority. They make laws without previously consulting you, and even contrary to your will. They despise the decrees of the senate, accuse the consuls of male-administration, and, if any extraordinary adversity happens, which human prudence could not foresee, they impute it, not to fortune, but to our malice. They pretend, that we form

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plots to deprive them of their liberty, or drive them out of their country; and under this pretext, they are ever conspiring against us, as if they knew no way of preserving themselves but by our destruction. Too many of their actions, which are fresh in your minds, evidently discover this design; but especially their late attempt, without any the least form of justice, to take away the life of that great captain, and most worthy citizen, Caius Marcius, on pretence that he gave bad counsels in our assembly. If the consuls and most respectable senators had not united to stop their fury, we had all in one day been deprived of our dignities, our power, and our liberty.

“The resolution and courage which you shewed upon this last occasion, in some measure awakened these madmen from their drunken fit. They seem now to be ashamed of a crime which they could not accomplish; they desist from violent methods, because they have found them unsuccessful; and they seemingly have recourse to justice, and the rules of law.

“But what is this justice, immortal gods! which these men would introduce? they endeavour, by appearances of submission, to obtain from you a *senatus-consultum*, which may give them power, not to try, but in truth, to drag to execution the best citizen of Rome. They allege the *lex Valeria* as the rule of your conduct: but does not every body know, that this law which allows of appeals to the assembly of the people, was not a law made against the patricians, but only for the relief of such poor plebeians as might happen to be oppressed by the great? And when you afterward consented to the creation of the tribunes, neither you, nor even the people themselves, intended any thing more in the establishment of those new magistrates, than that this law might have protectors, and the poor be provided with advocates. The treaty of reunion gave no power to the people to try patricians at their tribunal. No; the Va-

lerian law is what they insist upon. Well then, during eighteen years that it has been in force, let Decius give me one single instance of a patrician called in judgment before the people, by virtue of that law, and our dispute will be at an end. There is no such precedent. If Marcius, or any other patrician, has so offended the people, as to be thought worthy of death or banishment, let him be tried; not in an assembly of plebeians, but here, in this assembly; and let him be punished as the laws direct. For can it be supposed, that the plebeians will be impartial in their own cause, and, when they come to give their votes, be under no influence from prejudice against a patrician whom they consider as their enemy? It is my advice, conscript fathers, that, before you come to any determination, you maturely consider, that in this affair your interests are inseparable from those of Coriolanus: as for the favours you have already granted the people, I am not for revoking them, by whatever means they were obtained; but I cannot forbear exhorting you to refuse resolutely what they now demand, or may hereafter demand, inconsistent with your own authority, and the present form of our government."

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§. IV. MANIUS VALERIUS, that popular senator who had been so serviceable in the treaty upon the Mons Sacer, spoke next after Appius, and, in a studied harangue, took the part of the people. Having first said something in general, in the style of invective, against those who fomented discord between the two orders in the state, he proceeded to the affair of Coriolanus, and declared himself for granting to the people what they desired. He said, that nothing was more likely to disarm the people's rage against the illustrious patrician accused, than to leave him to their judgment: that the multitude calling to mind his personal merit, and full of gratitude for the senate's ready compliance with their desires, would certainly absolve him: that, never-

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theless, to appease them entirely he would have all the senators disperse themselves in the assembly, and each endeavour, by a gentle and popular behaviour, to win over those of the plebeians with whom he was acquainted.

Valerius then turning to Coriolanus, conjured him in the most affecting manner to give peace to the republic: "Go, Coriolanus, offer yourself generously to the people's judgment; this is the only way of justifying yourself that is worthy of you; this is the surest means to silence those who accuse you of aiming at the tyranny. If you persist in shewing a contempt for that tribunal, and in disowning its jurisdiction, to you alone will be imputed all the evils that shall be consequent to such an obstinate and proud behaviour. Are you desirous that the senate, your zealous friends, should, for your sake alone, engage in a contest with the people, where a defeat must be fatal to them, and even a victory would be shameful? Set before your eyes the frightful image of a civil war; the laws without force; the magistrates without power; fury and violence reigning universally; fire and sword gleaming on all sides; your fellow-citizens murdering each other; Rome sinking under the rage of the two parties, and buried beneath its own ruins."

P. 460. Valerius, who sincerely loved his country, and was softened by the idea of these great calamities, could not restrain his tears; and the tears of so venerable a consular, more eloquent than even his discourse, touched the greater part of the senators, and disposed their minds to peace.

Then Valerius, finding that he was master of the assembly, raised his voice, and, as if he had got fresh strength, or were become another man, shewed himself undisguised, and spoke to them with that authority which his age and long experience in affairs gave him: "We are made to fear, that the public liberty will be in danger, if we grant so much power to the people, and

allow them to try those of our order who shall be accused by the tribunes. I am persuaded, on the contrary, that nothing is more likely to preserve it. The republic consists of two orders, patricians and plebeians: the question is, which of these two orders may more safely be trusted with the guardianship of that sacred depositum, our liberty. I maintain that it will be more secure in the hands of the people, who desire only not to be oppressed, than in those of the nobles, who all have a violent thirst of dominion. The nobles, invested with the prime magistracies, distinguished by their birth, their wealth, and their honours, will always be powerful enough to hold the people to their duty; and the people, when they have the authority of the laws, being naturally haters and jealous of all enormous power, will watch over the actions of the great, and, by the dread of a popular inquiry and judgment, keep a check upon the ambition of such patricians, as might be tempted to aspire to the tyranny. You abolished the royalty, conscript fathers, because the power of a single man grew exorbitant. Not satisfied with dividing the regal authority between two annual magistrates, you gave them a council of three hundred senators to be inspectors over their conduct, and moderators of their empire. But this very senate, so formidable to the kings and to the consuls, has nothing in the republic to balance its power. I know very well, that hitherto there is all the reason in the world to applaud its moderation. But who can say, whether we are not obliged for this to our fear of enemies abroad, and to those continual wars which we have been forced to maintain? Who will be answerable, that our successors, growing more haughty and more potent by a long peace, shall not make attempts upon the liberty of their country, and that in the senate there shall not arise some strong faction, whose leader will find means to become the tyrant of Rome, if there be not, at the same time, some other power, out of the senate, to withstand

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such ambitious enterprises, by impeaching the authors and abettors of them before the people?

“ Perhaps it will be said, that the like inconvenience is to be apprehended from the people, and that it is impossible. by any provision, to assure ourselves that there shall not arise among the plebeians some popular man, who will abuse his influence over the minds of the multitude, and, under the pretence of defending the people’s interests, in the end invade both their liberty and that of the senate. But you well know, that upon the least danger which the republic may seem to be in from that quarter, our consuls have the privilege to name a dictator, whom they will never choose but from among your own body; and that this supreme magistrate, absolute master of the lives of his fellow-citizens, is able, by his sole authority, to dissipate a popular faction. The wisdom of our laws has allowed him that formidable power but for six months, for fear he should abuse it, and employ, in the establishment of his own tyranny, an authority intrusted with him only to prevent the usurpations of other men.

“ Thus, with a mutual inspection, the senate will be watchful over the behaviour of the consuls, the people over that of the senate; and the dictator, when the state of affairs requires the intervention of such a magistrate, will curb the ambition of all.

“ If, conscript fathers, what I have said, concerning a balance of power, be reasonable, refuse not to the people their present demand. They annually create the magistrates of the commonwealth; they enact laws; they abrogate laws; they make peace; they declare war; the senate has never pretended to be absolute master in these points; which nevertheless are, of all, the most important to the state. While you recognize in the people those high prerogatives I have mentioned, how can you think of denying them the permission to try a private citizen, who is accused of exciting sedition, and

aspiring to the tyranny? The more you intimidate the violaters of our laws, and the corrupters of our manners, by the many inspectors you establish to watch the conduct of covetous and ambitious men, the more secure will be our liberty, and the more perfect our constitution.”

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Almost all the senators, who spoke after Valerius, agreed with him in opinion; and, in conclusion, it was carried by a great majority to refer the cause in question to the judgment of the people.

§. v. BEFORE the decree was drawn up, Coriolanus, who found the senate were deserting him, desired leave to speak; and having obtained it, he said, “You know, conscript fathers, what the whole course of my life has hitherto been. You know that this unjust persecution which I now suffer from the people, is occasioned only by the steady and unalterable zeal which I have always shewn for your interests. I shall say nothing of the return I now meet with; the event will shew the weakness, and perhaps the malice of the counsels given you in this affair. But since Valerius’s opinion has at length prevailed, let me know at least what is the crime I am charged with, and upon what conditions I am delivered over to the fury of my adversaries.”

Coriolanus said this, in order to draw the tribunes into a confession, that they had no crime to accuse him of but the speech he had made in the senate. That speech was doubtless the sole or principal cause of their rage against him. However, that they might not be obliged to confine their charge to one fact only, and a fact which, to treat as a crime, must naturally engage the whole body of the senate in his defence, they, after conferring together, declared in general, that they would accuse him of aspiring to the tyranny.

Plut.
p. 223.

Coriolanus instantly replied, “If that be the charge I am to answer to, I freely submit myself to the judgment of the people; let the senate’s decree be put in writing.”

The senate, for two reasons, were very well pleased

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that the affair took this turn: first, because no attack was to be made on the freedom of speaking in their assemblies; and, in the second place, because Coriolanus, having always observed an irreproachable conduct with regard to the crime undertaken to be proved upon him, they doubted not but he would easily clear himself at his trial.

All the parties being thus far agreed, and the decree drawn up, the cause (as custom required) was appointed to be heard on the day after the third market-day; that is to say, twenty-seven days were allowed to the accused to prepare his defence: for these markets were held every ninth day, when the country people came to the city, to vend their commodities; and make up their differences with one another. The tribunes, having assembled the people, read the senate's decree to them, notified the trial, and exhorted all the citizens of the republic, as well those who dwelt in the country as the inhabitants of Rome, to be at the forum on the day appointed for hearing and judging so important a cause. There needed not much eloquence on this occasion. Most of the plebeians waited impatiently for the favourable opportunity to signalize their hatred to Coriolanus; and were as zealous against him, as if the preservation of the commonwealth had depended on his destruction.

CHAP. XI.

SECT. I. The day being come for Coriolanus's trial, a dispute arises between the consuls and tribunes, whether the people shall give their suffrages by centuries, according to the ancient custom, or by tribes, which had never yet been practized. The tribunes, who are for the latter, prevail. II. Coriolanus's cause is heard. He is condemned to banishment, and leaves Rome.

Comitia
by
tribes,

§. I. WHEN the day came that the great affair of Coriolanus was to be decided, an innumerable multitude crowded the forum betimes in the morning. The tribunes separated them by tribes, in order to their voting in this cause; whereas, from the reign of Servius Tul-

lius, the voices had always been gathered by centuries. The consuls being come to the assembly, were for keeping up the ancient custom, not doubting but they could save Coriolanus if the voices were reckoned by centuries, of which the patricians themselves and the richest citizens made the majority.[†] But the tribunes, no less artful, and more resolute, alleged, that in an affair which concerned the rights of the people and the public liberty, it was but just that the vote of every the poorest and meanest citizen, should be of equal weight and value with that of the richest and most noble ; and after a warm struggle, the tribunes carried their point.

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teenth
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ship.
D. Hal.
b. 7.
p. 461.

Just before they entered upon the cause, Minucius, P. 465. the first consul, made an harangue to the assembly. He opened his discourse with reminding the people of the affection which the senate had for them, and the favours it had heaped upon them at different times ; and he declared, that all the return the fathers asked, was Coriolanus's discharge. He exhorted the plebeians not to consider so much a few words which had escaped him in the heat of his discourse, as the important services which he had done the commonwealth ; and to be satisfied with his submission to their censure. He intimated P. 466. to them, that if they acquitted Coriolanus by a plurality of voices, it would be said, they had found him innocent ; whereas, if they discharged him without proceeding any farther in the prosecution, it would be considered as an act of favour to those who interceded for him. In answer to this, Sicinnius loudly protested, that he would neither betray the liberties of the people, nor suffer any other man to betray them. But that, if the senate did, *bona fide*, submit the accused to the judgment of the people, he should have a fair and impartial trial.

“ Well then (replied Minucius), since, notwithstanding our entreaties, you obstinately insist that Coriolanus

[†] See this matter fully explained, b. 1. c. 7.

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teenth
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shall be tried by this assembly, I demand that, pursuant to your agreement with the senate, you confine your accusation to the single article of aiming at the tyranny, and that you pretend not to mention any thing by him said against the people in our assemblies : for you are barred from that, by the conditions expressed in the very decree which refers his cause to the judgment of the people." To prove what he alleged, he read aloud to them the *senatus-consultum* ; after which he descended from the *rostra*."

§ II. *SICINNIUS* then began the accusation with a laboured speech, which consisted however of only general invectives, importing, that the accused, by the whole tenor of his words and actions against the people, had manifestly discovered an intention to invade their liberties, and become the tyrant of his country.

P. 467.

As soon as the tribune had done speaking, *Coriölanus*, with a courage deserving a better fortune, presented himself in the assembly, and answered the calumnies thrown upon his conduct, by a bare recital of his services. He began with his first campaigns ; he gave an account of all the engagements in which he had fought, the wounds he had received, the military honours which his generals had bestowed upon him, and the several commands in the army to which he had been gradually promoted. He exposed to the view of the whole people, a great many different crowns which he had received, either for mounting the breach first in assaults, or for having first broke into the enemy's camp ; or, lastly, for having in various battles saved the lives of a great number of citizens. He called them aloud, each by his name, and cited them as witnesses of what he advanced. These men immediately stood forth, and gave public testimony of the obligations they lay under to him. Stretching out their hands as supplicants, they conjured

* * Liberty is taken to use this word for the *suggestum*, or pulpit, or any eminent place, whence we find the magistrates speaking to the people ; though the word *rostra* was not introduced till many years after this time.

the assembly not to destroy a man, to whom they owed their lives, and all that was dear to them ; and they offered to undergo, in his stead, any punishment to which he should be condemned. As these Romans were mostly plebeians, and men known to have deserved well of their country, the multitude could not resist their pressing solicitations, nor even refrain from tears. Then Coriolanus, tearing away his robe, shewed his breast all covered with the scars of a great number of wounds which he had received: "It was to save these worthy men (said he), it was to rescue these good citizens out of the hands of our enemies, that I have a thousand times ventured my life. Let the tribunes shew, if they can, how such actions are consistent with the treacherous designs they lay to my charge. Is it easy to believe, that an enemy of the people, a man who intended to destroy them in a time of peace, would expose himself to so many dangers in war, only to preserve their lives?"

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This discourse, supported by a noble air, and that confidence which flows from innocence and truth, made the plebeians quite ashamed of the prosecution. The best men of that order cried out, that they ought to acquit so good a citizen. But then the tribune Decius, alarmed at this change, stood forth, and said: "Though the senate does not allow us to prove the ill designs of Coriolanus, by the speech he made in their assembly, and by his violent proceedings that followed it, we do not want other proofs equally strong and cogent, of his pride, and that spirit of tyranny of which we accuse him.

You know that, according to our laws, the spoils of the enemy belong to the Roman people ; that neither the soldiers, nor their general himself, has power to dispose of them ; but that all ought to be sold, and the money thence arising carried by a quæstor into the public treasury ; such is the usage and constitution of our government. Nevertheless, contrary to these laws, which are as ancient as Rome itself, Coriolanus, having got a con-

P. 406.

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siderable booty in the territories of the Antiates, divided it all, by his private authority, among his friends, giving them what was the people's due. This I call a proof of tyranny. For indeed what was this, but with the public money to make to himself creatures, and provide guards and supporters of his intended usurpation? He must either deny a notorious fact, and say, that he did not dispose of that booty, or must shew that, in disposing of it, he did not violate the laws. Without dazzling us with the splendid show of his crowns and scars, or using any other arts to blind the assembly, let him answer directly to this one article which I urge against him."

It was true, Coriolanus had, by his private authority, disposed of the plunder which the tribunes spoke of: but it was not true, that he had divided it among his friends and creatures only, as was objected to him, but among all his soldiers: nor had he done this with a view to the tyranny, or with any evil intention; but to engage his soldiers to follow him the more readily another time, and in hopes that the example of their success would incite the plebeians of Rome voluntarily to take the field, and seek provisions in the enemy's country, at a time when the city was grievously distressed by a famine, and the tribunes opposed all regular levies of soldiers. This was the real fact. But it is probable, that many of the people, who had no share in that expedition, were envious of the good fortune of Coriolanus's soldiers; and Decius, perhaps, having observed this, took the present occasion of awakening their envy, and of seducing them thereby to condemn Coriolanus for a generous action, by which they themselves had received no benefit.

Plut. in
Coriol.
p. 223.

As neither Coriolanus, nor any of his friends, had expected this last accusation, they were wholly unprepared with an answer. The tribunes laid hold of this opportunity to collect the suffrages; and Coriolanus was condemned to perpetual banishment. Of the twenty-

one tribes, but nine voted for him, and twelve against him.

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Most of the nobles and patricians thought themselves in a manner condemned to banishment with this great man, who had always been the defender and support of their order. At first it was only a general consternation; but this was quickly succeeded by indignation and rage. Some reproached Valerius, that he had misled the senate by his artful discourses; others reproached themselves for their excess of condescension to the people; all repented that they had not rather endured the last extremities than abandoned so illustrious a citizen to the insolence of the multitude.

Nine-
teenth
consul-
ship.
D. Hal
b. 7.
p. 472.
Plut. in
Coriol.
p. 223.

Coriolanus was the only person among the patricians who seemed unconcerned at his disgrace; he left the assembly with the same tranquillity, in appearance, as if he had been acquitted. He went immediately to his own house, where he found his mother Veturia, and Volumnia his wife, all drowned in tears, and in the first transports of their grief. He exhorted them in few words to bear this reverse of fortune with courage and constancy; and having recommended to them the care of his children, which were yet but infants, he instantly took his leave, not suffering any body to attend him in his exile, except three or four of his clients. A great number of the senators and other patricians accompanied him to the gates of the city; but he said not one word to them by the way, and he parted from them in the same reproachful silence, neither thanking them for any good offices past, nor requesting any future favour.*

* Coriolanus was probably about thirty-five years of age at the time of his banishment. He had stood for the consulship the year before, and (according to Plutarch, p. 220) had then served seventeen years. He began to serve as soon as he was of an age to bear arms, that is at seventeen.

CHAP. XII.

SECT. I. The plebeians exult upon the victory they have gained over the patricians in the affair of Coriolanus. The Romans having now no war abroad, nor squabble at home to employ them, turn their minds wholly to superstition, during the consulate of Q. Sulpicius and Sp. Lartius. II. The tribunes, from a political view, persuade the people at the next election of consuls to choose men of little spirit, and mean abilities for war. Their choice falls upon C. Julius and P. Pinarius Rufus. III. In the mean time, Coriolanus retires privately to Antium, one of the principal cities of the Volsci, discovers himself to Attius Tullus, general of that nation, offers him his service against Rome, and is nobly received by him. IV. These two generals concert a stratagem to stir up the Volsci to renew the war with the Romans. Coriolanus is introduced by Tullus into the assembly of the Volscian states, and there makes a speech, which is highly applauded. They resolve upon war, and to commit the conduct of it to Tullus and Coriolanus; but first, by the advice of the latter, send an embassy to Rome, to make such demands of the republic, as they are sure will be rejected. The Volscian ambassadors are dismissed by the Roman senate with a haughty answer.

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§. I. NEVER did the people testify more joy, not even upon vanquishing the most formidable enemies of Rome, than they did now for the advantage they had just gained over the senate and the whole body of the patricians. By the proceedings in the affair of Coriolanus, the people had got a precedent for citing before their tribunal, and judging the most illustrious of the nobles; a precedent which the tribunes failed not to improve into an established custom. And how much soever the ancient dignity of the patrician order was diminished by this innovation, Dionysius is of opinion, that it was a proper curb upon the ambition of the great, and not only salutary to the republic, but even necessary to its preservation: and though some hot-headed tribunes, animated by views of self-interest, or private pique, might now and then abuse their power, by commencing unjust prosecutions, yet those of the nobles, who took upon them the management of public affairs, with honest and patriot intentions, would be in little danger of suffering any disgrace by a sentence of the people.

D. Hal.
b. 7.
p. 470.

F. 471. The same historian, in the close of his relation of what happened at Rome, from the time of the secession to the trial of Coriolanus, very justly remarks, as more worthy to be admired than the most shining exploits of

the Romans, the rare temper and moderation which appeared in both parties, in their late contentions : that such important changes should be brought about merely by conferences and arguments, and without any of those inhuman and fatal acts of violence, which, on the like occasions, were so common in the states of Greece and Sicily.

During the following consulship of Q. Sulpicius and Sp. Lartius,* superstition alone filled the minds of the Romans. Nothing now was talked of but visions, spectres, miraculous voices, monsters, and prodigies of all sorts. Titus Latinus, or, according to Livy, Tib. Atinius, an old man, and bed-ridden, made himself be conveyed in a litter from the country to Rome, where he related to the conscript fathers a dream, in which he said, Jupiter Capitolinus had appeared to him, and commanded him to tell the senate, "That they must repeat the celebration of the public games, because in the last performance, a bad dancer had led up the dances. (He added), that he having neglected the admonition, Jupiter in revenge had thrown him into the condition he then was, having first killed one of his sons." As fast as the man discharged his commission, so fast he recovered the use of his limbs ; and this put the senate into a terrible fright. Strict inquiries were made after the bad dancer, and he was at length found to be a slave, whom his master, a substantial citizen, had, just before the religious procession that preceded the sports, caused to be whipped through the crossways, the forum, and the circus, through all which places the procession was to pass. The poor wretch, from the violence of his pain, had uttered imprecations, and had screwed himself into a hundred odd postures at every stroke ; an improper and indecent prelude to so solemn a ceremony. And this it seems had offended Jupiter. The citizen was fined, and a decree passed for renewing the games in a more sumptuous

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consulship.

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Twentieth
consulship.
D. Hal.
b. 7. p.
472, 473.
Livy,
b. 2.
c. 36.
Plut. in
Coriol.
p. 225.

D. Hal.
b. 7.
p. 489.

* A second time consul.

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tieth
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tuous and expensive manner than before. The senate however deferred the celebration of them to the next consulate.

D. Hal.
b. B.
p. 481.
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R O M E
264.
B. C. 488.

Twenty-
first
consul-
ship.

§. II. THE consular power being now the only thing which kept the tribunes in awe, we may well suppose, that they employed their efforts to hinder its falling into any hands but of patricians devoted to their interests, or too little esteemed to be much feared : and, perhaps, they insinuated to the people, that the greatest captains were not the most fit to govern a commonwealth ; that men of their high courage, and accustomed to an absolute power in the armies, brought home with their victories a spirit of pride ever dangerous in a free state. As the consuls were always chosen in the comitia by centuries, of which those of the first and richest class made the majority, the senators and patricians had usually disposed of that dignity as they pleased. But now, even in that kind of assembly, the plebeian party carried their point by the artful management of their tribunes. C. Julius and P. Pinarius Rufus, men known to be but indifferent soldiers, were, by the votes of the people, raised to the consulship, and chiefly (says Dionysius) for that reason.⁷

§. III. IN the meantime, Coriolanus, that exiled hero,

⁷ Mr. Vertot observes upon this occasion, that the senate and the people acted both of them contrary to their real interests, and seemed to aim at joining two things incompatible. All the Romans, says he, as well patricians as plebeians, aspired to the conquest of Italy ; the command of the armies was reserved to the patricians, who indeed possessed all the dignities of the state ; they had no soldiers but the plebeians, whom they would reduce to that timid submission, and that servile dependence, which they could scarce have expected in mean artificers, and a populace bred up in obscurity. The people, on the other hand, powerful, numerous, and full of that ferocity growing from a continual exercise of arms, in order to lessen the authority of the government, were for having consuls and generals who would be easy, indulgent, complacent to the multitude, and would behave themselves towards their soldiers rather with the modest manners of equality, than with that lofty and imperious air which the command of armies naturally gives a general. It was necessary, for putting an end to the misunderstanding between those two orders in the republic, that they should either jointly have resolved to content themselves with the narrow limits of their state, and lay aside the ambition of making conquests ; or that the patricians should have allowed a greater share in the government to a warlike people, citizens during winter, but soldiers all the summer ; and the people, on their side, have named to the command none but the best generals in the republic.

Mr. Vertot adds, that he owes this reflection to the events that follow ; it not being long before the people repented their having intrusted the government of the state, and the command of the armies, to two men equally incapable of those functions.

who had appeared so unmoved by his disgrace, was meditating, with all the force of his mind, the most effectual means to revenge his wrongs; his silence and seeming insensibility having been the pure effect of an indignation and resentment too deep for superficial expression. He spent the first days of his banishment at a country-seat of his own, his thoughts wholly employed how to compass the destruction of his enemies; a design which his vengeful heart would not forego, though the execution of it should involve the ruin of his country. At length, when he had cast his eyes upon the several nations that were neighbours and enemies to Rome, Sabines, Æqui, Tuscans, Volsci, and Hernici, he found none that seemed more exasperated against the Romans, or in a better condition to undertake a war, than the Volsci.

They were a republic or community, consisting of several small cantons, united by a league, and governed by an assembly of deputies from each of them. This nation bordering upon Rome, and jealous of her rising greatness, had always opposed it with remarkable courage, though with little success. The Romans had taken from them some of their towns, and part of their territory; and during the time that Coriolanus's affair was depending, had, by threatening them with a new war (on occasion of some violence they had offered to certain Sicilian ambassadors sent to Rome upon the corn traffic), terrified them into the submission of suppliants for peace. The Volsci obtained of the republic a truce for two years. But this did not lessen the animosity in their hearts; they sought all over Italy to stir up new enemies against the Romans; and it was upon the knowledge of this Coriolanus built his hopes of engaging them to renew the war. But he was the most unfit man in the world for such an undertaking; he had done them more mischief than all the other Roman generals; more than once he had cut to pieces their troops, ra-

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first
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D. Hal.
b. 8.
p. 481.
Plut. in
Coriol.
p. 224.

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ROM E
264.
B.C. 488.

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first
consul-
ship.

Livy,
b. 2.
c. 35.
Plut. in
Coriol.
p. 224.
D. Hal.
b. 8.
p. 481.
Val.
Max.
b. 5.

vaged their country, taken and plundered their towns; the name of Coriolanus was no less odious than formidable throughout the whole community of the Volsci.

Besides, they had at this time for their general Attius Tullus, whom Coriolanus in many actions, where they fought against each other, had constantly vanquished; a disgrace which few commanders have magnanimity enough to forgive. Nothing could be more dangerous for the Roman, than to put himself into the hands of such an enemy; nevertheless, immoderate thirst of vengeance being now the prevailing passion in his soul, that was unused to fear, he resolved to apply himself immediately to Tullus.

He departed from his retreat in disguise: and in the evening entered Antium, one of the chief cities of the Volsci. It was here that Tullus resided, and to his house Coriolanus went directly. With his face covered, and without speaking one word, he walked in, and seated himself by the hearth of the domestic gods, a place sacred in all the houses of the ancient pagans. A behaviour so extraordinary, and a certain air of authority that never abandons great men, surprised the servants; they ran to tell their master. Tullus came, and demanded of him who he was, and what he required.

Coriolanus then discovering himself: "If thou dost not yet know me, I am Caius Marcius, my surname is Coriolanus, the only reward left me of all my services. I am banished from Rome through the hatred of the people, and the pusillanimity of the great: I seek revenge; it lies in thy power to employ my sword against our common enemies. If thy republic will not accept of my service, I give my life into thy hands; destroy an old enemy, who otherwise may do more mischief to thy country."

Tullus, amazed at the greatness of his courage, gave him his hand: "Fear nothing, Marcius, thy confidence is thy security. By giving us thyself, thou makest us

an inestimable present; we shall know how to value thy services better than thy fellow-citizens: so great a captain may justly expect the highest honours from the Volsci." He then led him into his apartment, where they privately conferred about the means of renewing the war.

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first
consul-
ship.

§. IV. IT has been already observed, that there was at this time a truce between the Volsci and the Romans; the business was to bring the former to a resolution of breaking it; a point not easy to be carried, because of the losses which the Volsci had suffered in the last war. However, the two generals found means to compass what they desired. The Romans were preparing for their public sports (a part of the religion of those times), pursuant to the admonition, before mentioned, of Jupiter by the old man. From the several nations about Rome, there flocked to the show great numbers, and particularly of the Volsci. They crowded every quarter of the city; nay many, not being able to find hosts to receive them, lay under tents in the public places. So unusual a multitude of strangers gave uneasiness to the consuls; and, to add to it, Tullus contrived to raise a false alarm, that the Volsci intended to set fire to the town. The known animosity of that people against the republic made the report easily credited; so that the magistrates caused an order to be published, enjoining all the Volsci to depart before night, and even prescribing the gate through which they should pass: and accordingly all of that nation were instantly driven out of Rome. As they were returning home, each man bearing in his heart the shame of this ill usage, and a strong desire of revenge, Tullus met them in the way as by chance; and, when he had heard them relate the unworthy manner in which they had been treated, "Is it possible (he cried) they could drive you from a public festival, like the profanest wretches and outlaws? After so vile a treatment, you can no longer hide from yourselves the implacable hatred

D. Hal.
b. 6. p.
482, 483.
Livy,
b. 2.
c. 37.
Plut. in
Coriol.
p. 226.

Livy,
b. 2.
c. 38.

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R O M E
264.
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first
consul-
ship.
D. Hal-
b. 8.
p. 484,
et seq.

which the Romans bear you. And will you patiently wait till, without regard to the truce which has disarmed you, they suddenly invade us again, and lay waste our territories?"

An assembly of the states was called without delay ; and the more violent were for immediately carrying fire and sword into the territory of Rome, in revenge for the insult they had received. But Tullus, who conducted this affair, advised them, before they broke out, to send for Coriolanus into their assembly : " That captain (said he), whose valour we have so often experienced, and who now bears more enmity to the Romans than even we ourselves, seems to have been brought hither by the gods to restore our affairs ; and he will give us no counsels, whereof he will not share the dangers of the execution."

The Roman, being introduced into the assembly, appeared there with a countenance sad, but resolute ; all present fixed their eyes attentively upon the man, whose name had been so dreadful to them ; and they listened to him with that respect which is always paid to merit under persecution. When he had first related to them his story, and represented the ingratitude and injustice with which he had been condemned by his fellow-citizens to perpetual banishment, he proceeded in words to this effect :

" If I had sought only a place of refuge, I might have retired either among the Latins our allies, or to some Roman colony. But a life so obscure had been to me insupportable ; for I always thought it better for a man to die, than be reduced to such a condition, as to be unable either to serve his friends, or to revenge himself upon his enemies. This is my temper : I would deserve by my sword the asylum I ask of you : let us join our common resentments. Those ungrateful Romans, who have banished me so unjustly, are your most inveterate enemies ; you are sensible of it ; with pleasure I perceive, you are all disposed to renew the war ; and indeed it is

much your interest to stop the progress and diminish the strength of so encroaching a neighbour. But, in order to render this war successful, the motive you shall assign for taking arms, must be just in the sight of the gods, and such as will engage the several states about Rome to espouse your cause. You are not ignorant of how small an extent, at the founding of that city, the Roman territory was, which is now stretched into a wide dominion, by the conquests they have made, or, to speak more justly, by their usurpations. There is not, in all their neighbourhood, a nation from which they have not wrested some of its towns, and a considerable part of its lands. The Sabines, Albans, Æqui, Hetrurians, and others, have suffered from them like injuries to yours. Make it the common interest of those states to join you in your enterprise. Let ambassadors be sent to demand of the Romans a restitution of the lands and cities which they have taken from you, whether by hostile invasions, or by compulsive treaties.

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“ If the Romans, intimidated by your menaces of a war, consent to restore to you the towns and the lands which they have deprived you of, then, after your example, the other nations of Italy will demand back what has been taken from them; which, if submitted to, will at one stroke reduce that proud people to their original weakness. Or, if they resolve, as I doubt not but they will, to retain their usurpations, and bid you defiance, then, in a war so equitable, you will have both gods and men your friends. As for me, in whatever post you place me, you may rely upon my zeal for your service, and my punctual execution of your general’s orders. If heretofore, when your enemy, I was very hurtful to you, I may perhaps be found equally useful, when fighting in your cause.”

Loud and universal applause was given by the assembly to this discourse; and, to bind Coriolanus more strictly to them, they instantly conferred on him the

P. 487.

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Plut. in
Coriol.
p. 226.

quality of senator. At the same time, pursuant to his advice, ambassadors were dispatched to Rome; where being admitted to audience, they represented to the senate, "that the Volsci were very desirous to terminate amicably all their differences with the Roman republic; but that, in order thereto, it was necessary Rome should restore to them the towns and lands of which she had deprived them: that without this, there could be no solid and lasting peace between the two states: and they therefore hoped, the senate would not, by a refusal of justice, put them under the necessity of commencing a war."

The ambassadors being withdrawn, the senate did not spend much time in deliberation: at Rome to yield to menaces was a thing unknown, or to submit to an enemy, even though victorious; so that the ambassadors were soon called in again. The first consul told them in few words, that fear would never make the Romans give up what they had conquered by their valour; and that, if the Volsci were the first to take arms, the Romans would be the last to lay them down. And with this answer they were dismissed.

CHAP. XIII.

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SECT. I. Coriolanus, at the head of a Volscian army, recovers from the Romans all the towns they had taken from the Volsci; carries several cities in Latium by assault, and then leads his troops within five miles of Rome; where new consuls are chosen, Sp. Nautius and Sex. Furius. II. The people, terrified at his approach, cry out to have the sentence of his banishment reversed. The patricians oppose it. He marches to Rome and invests it. The senate and the people agree to sue to him for peace. Three deputations are sent to him successively, to persuade him to desist from his demands in favour of the Volsci; but all in vain. III. The mother and wife of Coriolanus go attended by all the Roman ladies of distinction to make a fourth attempt upon his resolution. IV. The interview and conference between Coriolanus and his mother, who prevails upon him to raise the siege of Rome; after which he is assassinated by the Volsci.

D. Hal.
b. 8.
p. 489.
Plut.
p. 226.

§. I. THE report of the ambassadors, at their return, was followed by a declaration of war. Tullius and Coriolanus, foreseeing the senate's answer, had held their

troops in readiness to enter upon action. The first, with a part of the forces, made an incursion into the country of the Latins, in order to hinder them from sending any assistance to the Romans: at the same time, Coriolanus, with the remainder, threw himself into the territory of Rome, where he made a prodigious capture of freemen, slaves, corn, and cattle, no measures having been taken to oppose him. Both parties returned from their expeditions enriched with booty; which proved an effectual means to augment the army: for the people henceforward, big with the hopes of conquest and plunder, came in crowds to enlist themselves. And now it was agreed that Tullus with a body of reserve should stay in the country to defend the entrance of it against the enemy, while Coriolanus at the head of the main army marched to give the consuls battle, in case they appeared in the field. According to Livy, he first drove from Circaëum a colony of Romans that were established there; but Dionysius says, that the inhabitants, intimidated by the approach of the enemy, opened their gates, and that Coriolanus only obliged them to furnish him with provisions and clothes for his soldiers. He then took from the Romans, Satricum, Longulum, Polusca, and Corioli, towns which they had won but a little before; he also made himself master of Corbio, Vitellia, Trebia, Toleria, Bola, Labicum, and Pedum, all in Latium, or upon the confines of it. The Latins had sent to Rome for aid, but the senate had excused themselves, the distress of the republic being extreme. For the Æqui and other allies had revolted: and divisions and animosities reigned at home in the city.

Coriolanus, in his first expedition, had spared the houses and estates of the patricians, either out of some remains of regard for those of his own order; or, which is more probable, to make them suspected by the people, and to increase the dissensions between them. Whatever was the motive, this was the effect of his conduct.

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D. Hal.
b. 8.
p. 490.
Livy,
b. 2.
c. 39.

D. Hal.
b. 8.
p. 491.
492.

P. 489.

Plut.
p. 226.

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The people failed not to accuse the senate publicly of an understanding with Coriolanus, and of having engaged him to come at the head of an army, to abolish the tribunitian power. The patricians, on their side, reproached the people with having forced so great a captain to throw himself in despair into the party of the enemy. Suspicion, distrust, hatred, actuated both orders; and in this time of danger they thought less of repulsing the Volsi, than of defaming each other. The two consuls, hid behind the walls of Rome, made levies but slowly. Spurius Nautius and Sextus Furius, who succeeded them, used diligence in raising an army, but did not shew more courage and resolution than their predecessors: it was visible, they durst not encounter so able a general. The people themselves were in no haste to give their names to be enrolled; nobody cared for stirring out of Rome, whether it was that they had no great opinion of the capacity of their leaders, or that they saw themselves deserted by their allies, who had readily espoused the cause which fortune favoured.

Coriolanus, finding no army in the field to oppose his designs, advanced still on, took Lavinium, and at length encamped at the Cluilian trenches, five miles distant from Rome.

D. Hal.
b. 8.
p. 493.
Plut.
p. 227.

§. 11. UPON the fame of this great run of success, multitudes of the Volsci flocked to Coriolanus's army. The very soldiers of Tullus himself, drawn by the hopes of the plunder of Rome, left their general, and declared they acknowledged no other but the Roman; a fresh victory, of a new kind, which Coriolanus gained over his old adversary, and of which Tullus retained a sharp resentment in his breast. The eyes of all Italy were turned upon the Romans and Volsci, who, by only one man's changing sides, had experienced a surprising change in their fortunes: so true it is, that the strength of a state consists not so much in the number and bravery of its troops, as in the abilities of him who com-

mands them. The consternation was general at Rome. The people, who from the tops of the walls beheld the enemies spread all over the country, came into the forum, and with clamorous voices demanded a peace, and to have the sentence against Coriolanus reversed. That very people who, with so much fury, had hurried him into banishment, with equal violence now pressed to have him recalled. The senate being assembled to consider of this proposal, absolutely rejected it; which they did, either to remove the suspicion of their having intelligence with him, or perhaps from that high spirit so common among the great men of the republic, never more averse from peace than after ill success.

Coriolanus no sooner heard of the senate's resolution, but he broke up his camp, marched directly to Rome, and invested the place, as if he meant to besiege it. A design so daring threw both the patricians and the plebeians into an equal consternation; all courage and resolution failed them, and hatred gave place to fear. The senate and the people with one accord determined now to sue for peace. Five senators, who had been zealous friends of Coriolanus, were chosen to be sent to him upon this negotiation. These were, M. Minucius, Posthumius Cominius, Sp. Lartius, P. Pinarius, and Q. Sulpicius, who had all five been consuls.

The Volsci made these deputies pass through two ranks of soldiers standing to their arms; and Coriolanus, surrounded by his chief officers, received them seated in his tribunal, with the state of an enemy who is resolved to prescribe the law.

Minucius exhorted him, in modest and pathetic terms, to give peace to the two nations; and conjured him not to push too far the advantages which his superior courage and abilities had given the Volsci; but to remember the regard he owed to his country. He put him in mind of the friendship the patricians had always shewn him; and even excused in some measure the people, of

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D. Hal.
b. 8.

p. 496.

Plut.
p. 227.

D. Hal.

b. 8.

p. 496.

P. 497.

Plut.

p. 228.

D. Hal.

ibid.

et seq.

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whom nine tribes had voted for him. He represented to him the unreasonableness of carrying his resentments to such an unbounded excess, and the remorse that must follow so criminal an enterprise as he was engaged in, how successful soever it might prove. He then reminded him of the instability of fortune, though it had hitherto favoured him ; and, in conclusion, invited him to return into the bosom of his native city, which now as a tender mother, stretched out her arms to receive him.

Plut.
Ibid.
D. Hal.
b. 8.
p. 502.
et seq.

To all these remonstrances Coriolanus gave this severe answer ; —That Rome might obtain a peace, if she would restore to the Volsci the country she had taken from them, grant them the same rights of citizenship which she had granted to the Latins, and recall the Roman colonies from those towns she had got possession of unjustly ; but that he could abate nothing of these demands.

That as to the liberty offered him of going back to Rome, it was not worth his acceptance. “ With what satisfaction (said he) can I return to a city where injustice reigns, and vice enjoys the honours which are due to virtue ? Consider the men who govern there, and the man you have driven thence. What was my crime ? I could not bear to see the whole authority of the government fall into the hands of factious tribunes and a senseless populace. This was the offence for which the senate delivered me up to the fury of the people. Yes, the senators are they whom I accuse as the authors of my misfortunes. The injustice of the people indeed condemned me, but it was the weakness of the senate which put me within the reach of their power : so that baseness and iniquity are become universal in the republic. —What a shameful life should I be forced to drag on, in Rome ! flatter the insolent multitude ! not dare to speak my opinion with freedom ! —And who will promise me, that I shall not meet with a Sicinnius or a

Decius to arm the populace once more against me? How can I be assured that the devastations made on your lands, the conquest of your cities, and the slavery of your allies, will not be laid as fresh crimes to his charge, who was deemed worthy of death for bare words?

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—You accuse me of impiety. Have I been guilty of any towards Rome, that cruel mother whom no services could oblige, and who has cast out of her bosom a son that was useful to her, and zealous for her glory? I owe her no longer any duty. The nation of the Volsci is now my mother. She forgot the mischiefs I did her; she received me when a fugitive, a wanderer, and poor. She has been profuse in bestowing upon me her honours, her magistracy, and the command of her armies. You think it impious to abandon professed enemies; and you would have me betray the most affectionate friends, when they place all their confidence in me. No, Romans, I am not like you. I know how to acknowledge obligations, and to adhere to those who have done me honour. The remorse you speak of is for Rome herself to feel; let her dread the rage of those avenging furies which torment the guilty. As for me, the gods have sufficiently shewn that they approve of my resentments; and victory proclaims aloud whose cause it is that they espouse."

Coriolanus having spoken in this haughty strain as to what concerned the interests of the Volsci, and the injuries he had suffered from the Romans, came to a more gentle behaviour towards the deputies. He assured them that he had not forgot the good-will they had formerly expressed for him; nor could ever lose the sense of his obligations to them for their generous protection of his mother, wife, and children, since his banishment. That he was ready to do them any personal good office in his power, and for their sakes would even grant the Romans a truce for thirty days with regard to the proper territory of Rome; but that, after the expiration of that

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term, he should expect from them a decisive answer. He then dismissed the deputies.

The thirty days, which he allowed the Romans to consider of his demand, he employed in taking other towns of Latium ; and then appeared once more with his whole army in the neighbourhood of Rome. The senate had spent the time in deliberations, and had come to a resolution never to receive law from their enemies, nor even to treat of an alliance with the Volsci, till they had withdrawn their troops from the territory of Rome, and from those of her allies. Ten other senators, who had all been consuls, were dispatched to Coriolanus to signify to him this determination of the fathers. These deputies conjured him to moderate his displeasure, and demand nothing that was unbecoming the dignity of the Roman name to grant. They bid him remember that the Romans were not men whom threats could terrify ; but they added, that, if in his opinion the Volsci deserved favour, they might, upon laying down their arms, obtain by treaty whatever they could reasonably desire.

D. Hal.
b. 8.
p. 510.

His answer was short, That the Romans had no choice but restitution or war ; and that he would allow them but three days to come to a final determination. The deputies would have replied, but he refused to hear them, commanded them instantly to leave his camp, and threatened to punish them as spies if they did not obey.

The senate, though extremely piqued when, from the report of their deputies, they understood with what a haughty arrogance Coriolanus had treated them, were yet in no haste to send an army into the field against him ; not thinking it advisable to trust an affair of so much importance to the management of two consuls, who had neither vigour, courage, nor military skill. It was resolved to keep close within the fortifications of Rome, and apply the whole strength of the republic to

the defence of the city; which they had much reason to fear would speedily be attacked. Some hope, however, still remained to the fathers, of preventing the calamity of a siege, by a new deputation to Coriolanus. As if the republic (says Plutarch) had been beaten by a tempest, and were just ready to perish, they (according to the proverb) "threw out the holy anchor." For they ordered the pontiffs, priests, augurs, and all the ministers of religion, vested in their ceremonial habits, to go in solemn procession to his camp, and, with most pressing instances, conjure him to comply with the proposals, which had been twice made to him for finishing the war.

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In Cor.
p. 228.

To these sacred ambassadors Coriolanus did not refuse an audience; yet they found him as inexorable to them as he had been to the profane. He would abate nothing of his former demands.

§. III. ALL hope of pacifying the injured exile being now extinguished, the sole business at Rome was to prepare with the utmost diligence for sustaining the siege. The young and able-bodied men had instantly the guard of the gates and trenches assigned to them; while those of the veterans, who, though exempt by their age from bearing arms, were yet capable of service, undertook the defence of the ramparts. The women, in the mean while, scared by these movements and the impending danger into a neglect of their wonted decorum, ran tumultuously from their houses to the temples. Every sanctuary, and especially the temple of Jupiter Capitolinus, resounded with the wailings and loud supplications of women, prostrate before the statues of the gods. In this general consternation and distress, Valeria (sister of the famous Valerius Poplicola), as if moved by a divine impulse, suddenly took her stand upon the top of the steps of the temple of Jupiter, assembled the women about her, and having first exhorted them not to be terrified by the greatness of the present danger, con-

D. Hal.
b. 8.
p. 511.
Plut.
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fidently declared, "That there was yet hope for the re-public; that its preservation depended upon them, and upon their performance of the duty they owed to their country." "Alas! (cried out one of the company) what resource can there be in the weakness of wretched women, when our bravest men, our ablest warriors, themselves despair?"—"It is not by the sword, nor by strength of arm (replied Valeria), that we are to prevail; these belong not to our sex. Soft, moving words must be our weapons and our force. Let us all, in our mourning attire, and accompanied by our children, go beg and entreat Veturia, the mother of Coriolanus, to intercede with her son for our common country. Veturia's prayers will bend his soul to pity. Haughty and implacable as he has hitherto appeared, he has not a heart so cruel and obdurate, as not to relent, when he shall see his mother, his revered, his beloved mother, a weeping suppliant at his feet."

This motion being universally applauded, the whole train of women took their way to Veturia's house. Her son's wife, Volumnia, who was sitting with her when they arrived, and was greatly surprised at their coming, hastily asked them the meaning of so extraordinary an appearance. "What is it (she said), what can be the motive that has brought such a numerous company of visitors to this house of sorrow?"

D. Hal.
b. 8.
p. 512.

Valeria, addressing herself to the mother, "It is to you, Veturia, that these women have recourse in the extreme peril with which they and their children are threatened. They entreat, implore, conjure you to compassionate their distress, and the distress of our common country. Suffer not Rome to become a prey to the Volsci, and our enemies to triumph over our liberty. Go to the camp of Coriolanus: take with you Volumnia and her two sons: let that excellent wife join her intercession to yours: permit these women with their children to accompany you; they will all cast themselves at

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his feet. O Veturia, conjure him to grant peace to his fellow-citizens: cease not to beg, until you have obtained: so good a man can never withstand your tears: our only hope is in you. Come then, Veturia; the danger presses; you have no time for deliberation; the enterprise is worthy of your virtue; the gods will crown it with success: Rome shall once more owe its preservation to our sex: you will justly acquire to yourself an immortal fame, and have the pleasure to make every one of us a sharer in your glory."

Veturia, after a short silence, with tears in her eyes, answered, "Weak indeed is the foundation of your hope, Valeria, when you place it in the aid of two miserable women. We are not wanting in affection to our country, nor need we any remonstrance or entreaties to excite our zeal for its preservation. It is the power only of being serviceable that fails us. Ever since that unfortunate hour, when the people in their madness so unjustly banished Coriolanus, his heart has been no less P. 513. estranged from his family than from his country. You will be convinced of this sad truth by his own words to us at parting. When he returned home from the assembly, where he had been condemned, he found us in the extremest depth of affliction, bewailing the miseries that were sure to follow our being deprived of so dear a son, and so excellent a husband. (We had his children upon our knees.) He kept himself at a distance from us; and when he had awhile stood silent, motionless as a rock, his eyes fixed, and without shedding a tear, "'Tis done (he said).—O mother, and thou Volumnia, the best of wives, to you Marcius is no more. I am banished hence for my affection to my country, and the services I have done it. I go this instant; and I leave for ever a city where all good men are proscribed. Support this blow of fortune with the magnanimity that becomes women of your high rank and virtue. I commend my children to your care. Educate them in a

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manner worthy of you, and of the race from which they come. The gods grant they may be more fortunate than their father, and never fall short of him in virtue; and may you in them find your consolation! Farewell.'

"We started up at the sound of this word, and with loud cries of lamentation ran to him to receive his last embraces. I led his elder son by the hand, Volumnia had the younger in her arms. He turned his eyes from us, and putting us back with his hand, 'Mother (said he), from this moment you have no son: our country has taken from you the stay of your old age.—Nor to you, Volumnia, will Marcius be henceforth a husband; mayest thou be happy with another, more fortunate!—My dear children, you have lost your father.'

"He said no more, but instantly broke away from us. He departed from Rome without settling his domestic affairs, or leaving any orders about them; without money, without servants, and even without letting us know to what part of the world he would direct his steps. It is now the fourth year since he went away; and he has never inquired after his family, nor, by letter or messenger, given us the least account of himself; so that it seems as if his mother and his wife were the chief objects of that general hatred which he shews to his country.

"What success then can you expect from our entreaties to a man so implacable? Can two women bend that stubborn heart, which even all the ministers of religion were not able to soften? And indeed what shall I say to him? What can I reasonably desire of him? That he would pardon ungrateful citizens, who have treated him as the vilest criminal? That he would take compassion upon a furious unjust populace, which had no regard for his innocence? And that he would betray a nation, which has not only opened him an asylum, but has even preferred him to her most illustrious citizens in the command of her armies? With what face can

I ask him to abandon such generous protectors, and deliver himself again into the hands of his most bitter enemies? Can a Roman mother, and a Roman wife, with decency, exact, from a son and a husband, compliances which must dishonour him before both gods and men? Mournful circumstance, in which we have not power to hate the most formidable enemy of our country! Leave us therefore to our unhappy destiny; and do not desire us to make it more unhappy by an action that may cast a blemish upon our virtue."

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The ladies made no answer but by their tears and entreaties: some embraced her knees; others beseeched Volumnia to join her prayers to theirs; all conjured Veturia not to refuse her country this last assistance. Overcome at length by their urgent solicitations, she promised to do as they desired, if the senate agreed to it. Valeria gave advice to the consuls of what the women had projected. The matter was proposed to the senate, and was long debated. Some feared lest Coriplanus should detain all those ladies, who were of the best families in Rome, and by that means make the gates be opened to him, without so much as drawing his sword: others were even for securing his mother, wife, and children, as so many hostages that might bring him to a better temper: but the majority approved of the new deputation, saying, that the gods, who had inspired Valeria with this pious design, would give it success; and that no treachery was to be apprehended from a man of Coriolanus's character, proud indeed, severe and inflexible, but not capable of violating the law of nations.

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This opinion having prevailed, the very next day all the most illustrious of the Roman ladies repaired to Veturia's house. There they presently mounted a number of chariots, which the consuls had ordered to be made ready for them, and, without any guard, took the way to the enemy's camp.

§. IV. CORIOLANUS, perceiving from afar that long

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Plut.
p. 230.

D. Hal.
b. 8.
p. 516.

train of chariots, sent out some horsemen to learn the meaning of it. They quickly brought him word, that it was his mother, his wife, and a great number of other women, and their children, coming to the camp. He doubtless divined what views the Romans had in so extraordinary a deputation; that this was the last expedient of the senate; and, in his own mind, he determined not to let himself be moved. But he reckoned upon a savage inflexibility that was not in his nature: for, going out with a few attendants to receive the ladies, he no sooner beheld Veturia attired in mourning, her eyes bathed in tears, and with a countenance and motion that spoke her sinking under a load of sorrow, but he ran hastily to her, and, not only calling her mother, but adding to that word the most tender epithets, embraced her, wept over her, and held her in his arms to prevent her falling. The like tenderness he presently after expressed to his wife, highly commending her discretion in having constantly stayed with his mother, since his departure from Rome: and then, with the warmest paternal affection, he caressed his children.

When some time had been allowed to those silent tears of joy, which usually flow in abundance at the sudden and unexpected meeting of persons so dear to each other, Veturia entered upon the business for which she came. To avoid giving umbrage to the Volsci, Coriolanus had called the principal officers to be witness of what passed between his mother and him. That she might engage her son to have the more regard to her request, she began with telling him, that all those women, whom he knew to be of the best families in Rome, had, during his absence, done every thing in their power to give comfort to her, and Volumnia his wife; she added, that, touched with the calamities of the war, and apprehending the fatal consequences of the siege of Rome, they were come, with united supplications, to beg a peace at his hands: and she conjured him in

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the name of the gods not to refuse that favour to his country.

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Coriolanus answered, that he should offend those gods, whom he had invoked to be witnesses of his faith given the Volsci, if he granted her so unjust a demand. That he could not think of betraying the interests of a people, who had not only honoured him with a place in their senate, but had also trusted him with the command of their army : that he had found at Antium more honours and wealth than he had lost at Rome by the ingratitude of his fellow-citizens; and that nothing would be wanting to his happiness, if she would only prevail with herself to forsake Rome, and in the country of the Volsci, share with him all the advantages of his glorious fortune.

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The officers, present at this conference, testified, by a murmur of applause, that they were highly pleased with his answer. Veturia, in her reply to it, assured him, that she would never require any thing of him that could bring a blemish upon his honour ; but added, that without acting inconsistently with his obligations to the Volsci, he might mediate a peace between the Romans and them.—“ No, my son, I do not ask of thee to betray a people who have given thee so generous a reception, and even confided their arms to thy conduct. Nor do I wish that thou shouldst make a separate peace for thyself without the consent of the whole nation. Veturia is incapable of urging her son to any base action. Grant us only a truce for a year, that, in this interval a solid peace may be negotiated, an alliance that shall be firm and durable, and equally advantageous to both nations. You, who are versed in public affairs, can have no difficulty to persuade the Volsci, that a peace, upon such fair conditions as they may now be certain to obtain, is preferable to a war, the final event of which is still uncertain. But if, elated by the success they have had under your guidance, and imagining that fortune

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must always favour them, they refuse to listen to your remonstrances, what hinders you from publicly resigning your commission of general? Let all be open: no disguise, no breach of trust, no treachery to your new friends: but then, beware, my son, of impiously continuing an enemy to those with whom you have a yet more near relation.—Nor let the apprehension of appearing ungrateful to your benefactors restrain you from complying with my request. Have not the Volsci been sufficiently recompensed by the many signal and important services you have done them? Liberty was their sole ambition; you have not only procured them liberty, but have raised them to so high a pitch of prosperity, that they are now considering whether it will be more advisable totally to suppress the Roman power, or to live with us upon a foot of equality, the two nations under one and the same government. Can you imagine that thus benefited, thus exalted by your aid, they will resent, as an injury, your not sacrificing to them your own country, your not imbruing your hands in the blood of your fellow-citizens?—You will tell me, perhaps, that you hate your country. But are you not unreasonable in so doing? When the Romans unjustly condemned you to banishment, was Rome in its natural state? Was it governed by the laws of our forefathers? Was not the republic agitated by a violent storm? Were not the members of it distempered? Not all indeed; for they were not all of one mind. It was only the baser and more corrupt part of the citizens that voted against you, and these incited by the pernicious counsels of their leaders, those enemies to all good men. But had it been otherwise, had all the citizens unanimously combined to banish you; as a man dangerous to the state on account of his mischievous politics, would it be therefore allowable for you to revenge yourself in this manner? Many others, whose intentions in the administration of public affairs were no less upright than yours, have been as

unjustly and hardly treated as you (you will find few good magistrates whose shining merit has not excited envy); and yet those worthy men suffered their disgraces with temper, considered them as in the number of those evils to which, by the condition of humanity, they were inevitably exposed; and, removing into foreign countries, carried thither no resentment, no malice, against their own. Who was ever more injuriously treated than Tarquinius Collatinus? When with an honest zeal, and with all his power, he had assisted in delivering Rome from the tyranny of the Tarquins, he was himself banished thence, upon a false accusation of plotting to re-establish that tyranny. He retired to Lavinium, and there passed the remainder of his days in tranquillity, without ever attempting any thing that could give credit to the calumnies so maliciously vented against him.

Year of
R O M E
565.
B. C. 467.
Twenty-
second
consul-
ship.

“ But, if you will have it so, I shall suppose that every man who suffers an injury, be it from friends or enemies, his countrymen or strangers, has a right to revenge himself. Those who by their unjust usage of you provoked your anger, have you not sufficiently punished them? Our colonies expelled from their settlements by your arms; the cities of our allies forced and plundered; the Roman lands pillaged and laid waste; Rome itself invested, terrified with the apprehension of famine, and of the whole variety of miseries incident to a city besieged: how is it, that all this has not been sufficient to assuage thy thirst of vengeance? O Marcius, at thy first entering the Roman territory, did it not come into thy mind, ‘ This is the country that gave me birth; here I was nourished in my infancy; here I was brought up?’ And couldst thou have the heart to lay it waste? When thou sawest the walls of Rome from afar, was it possible to forget, that within those walls were thy household gods, thy mother, thy wife, thy children? Yet none of these reflections had any power to move

Year of
R O M E
265.
B. C. 467.

Twenty-
second
consul-
ship.

thee. The most amicable offers, repeated offers from the senate, by ambassadors, men of the highest worth and chosen from among thy friends, have been rejected by thee with scorn. The intercession, the earnest entreaties, of the whole body of the priesthood, those sacred ministers of religion, have had no power to move thy compassion. No ; to satisfy thy boundless revenge, Rome, thy native city, must be sacked, and its inhabitants reduced to slavery. A frenzy, a madness of anger, that transports thee ! Offended gods are appeased by supplications, vows, and sacrifices : shall mortals be implacable ? Will Marcius set no bounds to his resentment ? But, be it, that thy enmity to thy country is too violent to let thee listen to her petition for peace, yet be not deaf, my son, be not inexorable, to the prayers and tears of thy mother. Thou darest the very appearance of ingratitude towards the Volsci ; and shall thy mother have reason to accuse thee of being ungrateful ? Call to mind the tender care I took of thy infancy and earliest youth ; the alarms, the anxiety, I suffered on thy account, when, entered into the state of manhood, thy life was almost daily exposed in foreign wars ; the apprehensions, the terrors, I underwent when I saw thee so warmly engaged in our domestic quarrels, and, with heroic courage, opposing the unjust pretensions of the furious plebeians. My sad forebodings of the event have been but too well verified. Consider the wretched life I have endured, if it may be called life, the time that has passed since I was deprived of thee. O Marcius, refuse me not the only request I ever made thee ; I will never importune thee with any other. Cease thy immoderate anger, be reconciled to thy country, this is all I ask ; grant me but this, and we shall both be happy. Freed from those tempestuous passions which now agitate thy soul, and from all the torments of self-reproach, thy days will flow smoothly on in the sweet serenity of conscious virtue : and, as for me, if I carry back with

me to Rome the hopes of an approaching peace, an assurance of thy being reconciled to thy country, with what transports of joy shall I be received! In what honour, in what delightful repose, shall I pass the remainder of my life! What immortal glory shall I have acquired! And, if it be true, that there are different places for our souls after death, I shall be in no danger of descending to those subterraneous and gloomy caverns where the wicked are confined. Nay, the Elysian fields, that delicious abode allotted for the virtuous, will not be the place of my habitation, but the pure and sublime region of the air, which is said to be inhabited by the children of the gods. My soul shall there publish the praises of thy piety and affection to me, and never cease importuning the gods to grant thee a full recompense of all thy merit.

Year of
ROME
265.
B.C. 467.
Twenty-
second
consul-
ship.

“ But I give myself up too much to these pleasing views. What will become of me, if thou continuest implacable? Dost thou believe, that, covered with the shame of a contemptuous denial, I will live till thy arms have decided our doom? That I will wait that dismal day, when I shall see my son either led in triumph by his countrymen, or erecting trophies on the ruins of that city where he was born? No, Marcius, be assured, that if I cannot move thee to compliance, I will here put an end to my life in thy presence; thou shalt not march to Rome without treading over the body of her who bore thee. And if this has not power to stop thy fury, yet consider at least, that, by thy bringing slavery on thy country, thy wife and thy children must inevitably fall under the same calamity, or avoid it by a speedy death.”

Coriolanus made no attempt to interrupt Veturia while she was speaking; and when she had ceased, he still continued in a deep silence. Anger, hatred, and desire of revenge, balanced in his heart those softer passions which the sight and discourse of his mother had

Year of
ROME
542.
B.C. 287.

Twenty-
second
consul-
ship.
Plut.
p. 231.

awakened in his breast. She perceiving his irresolution, and fearing the event, thus renewed her expostulation:

“Why dost thou not answer me, my son? Is there then such a greatness of mind in giving all to resentment? Art thou ashamed to grant any thing to a mother who thus entreats thee, thus humbles herself to thee? If it be so, to what purpose should I longer endure a wretched life?” As she uttered these last words, interrupted by sighs, she threw herself prostrate at his feet; his wife and children did the same; and all the other women, with united voices of doleful accent, begged and implored his pity.

D. Hal.
b. 8.
p. 523.
Plut;
p. 231.

The Volscian officers, not able unmoved to behold this scene, turned away their eyes: but Coriolanus, almost beside himself to see Veturia at his feet, passionately cried out: “Ah! mother, what is it you do?” And tenderly pressing her hand in raising her up, he added, in a low voice, “Rome is saved, but your son is lost.”

D. Hal.
b. 8.
p. 524.

And now, taking his mother and his wife aside to a private conference, it was agreed between them, that he should immediately retire with his army out of the Roman territory; that nothing should be done by the senate or people in favour of his return to Rome till a peace was concluded; that he should employ all his credit to bring the Volsci to reasonable terms of accommodation; and that, in case their past success made them obstinate, he should then lay down the command of their armies, which would probably be the means to bring them to a better temper. After this the women took their leave of him, and he turned his thoughts wholly to obtain an honourable peace for his country.

Plut.
p. 231.

Fame carried to Rome the news of the ladies' success, before they could arrive there themselves; so that crowds of people came out and met them with grateful acclamations. A decree, allowing them to choose their own reward, was presently passed with the unanimous consent of both orders. The ladies, when they had con-

sulted together, agreed to ask nothing but permission to erect, at their own expense, in the place where they had overcome the obstinacy of Coriolanus, a temple to women's fortune. The senate highly applauded their disinterested nobleness of spirit, but would not suffer them to pay either for the temple or the statue that was to be worshipped in it. These were erected at the public charge; and Valeria, who had counselled so fortunate a deputation, was the first priestess of this sanctuary.

Year of
R. O. M. E.
305.
B. C. 457.
Twenty-
second
counsel-
ship.
D. Hal.
b. 8.
p. 525.

Early the next morning after Coriolanus's conference with his mother, he broke up his camp, and peaceably marched his army homewards. Nobody had the boldness to contradict his orders, though many were exceedingly dissatisfied with his conduct, while others excused it, being more affected with his filial respect to his mother than with their own interests. As soon as he was arrived in the territory of the Volsci, he made a present to the soldiers of all the spoil that had fallen to his share during the whole campaign, and then dismissed them. This liberality increased their affection to him, so that they made his apology wherever they went.

P. 506.

But Tullus, who had long been jealous of the esteem and credit which his rival had gained with the soldiery, no sooner saw him returned to Antium, than he laid hold of the fair occasion which that return afforded to work his destruction; accusing him, in a full assembly of the citizens, of having basely betrayed the Volsci; and commanding him to deliver up his commission, and give an account of his conduct in the war.

P. 537.
Plut.
p. 292.

Coriolanus did not refuse a trial, but insisted upon being tried by the general council of the nation, and not by the Antiates alone, among whom his enemy had too many dependants devoted to his will. This contest was awhile obstinately carried on, till at length the Volscian, impatient to compass his design, and having suborned some assassins, sent a summons to the Roman to appear in judgment on a certain day to clear himself

Year of
ROMAN
206.
B. C. 427.

Twenty-
second
consul-
ship.

D. Hal.
b. 8.
p. 528.

of treason. On the day appointed, Tullus mounted his tribunal, and, having first charged his adversary with various crimes against the state, exhorted the people to employ violence, if the accused did not instantly abdicate his office. Coriolanus would have answered to the charge, and many of the assembly were disposed to hear him candidly; but when he began to speak, his voice was immediately drowned by clamours from Tullus's faction; and the most audacious of them crying out, "Down with him, kill him, kill him!" the furious rabble in a few moments stoned him to death.

Plut.
p. 231.

D. Hal.
b. 8.
p. 530.

Such was the end of this great man, according to Dionysius and Plutarch, who likewise agree in telling us, that the nation of the Volsci in general were not pleased with the murder of the hero, but much regretted the loss of him, and, after a pompous funeral, erected a stately tomb to his memory. Dionysius adds, that the Romans themselves, both men and women, on the first news of his death, went into mourning for him; but Plutarch will have it, that the men did nothing that expressed either honour for his memory, or resentment against him, yet suffered the women, at their own request, to wear mourning ten months, the longest mourning allowed by the laws of Numa.

B. c.
c. 40.

Livy says nothing of the mourning of men or women at Rome, for their countryman. He seems to give no credit to the story of the murder, but rather to believe the report of Fabius (whom he styles by far the most ancient of Latin historians), "that Coriolanus lived long, and in his last years was frequently heard to say, that exile, always grievous, was much more so in old age."

* Fabius's report is not incredible. Coriolanus had rejected all the offers of advantage to himself made him by the senate, had been deaf to all the solicitations of his best friends, and had only yielded to his mother; and filial piety, in those days, was a high point of virtue. And accordingly both Dionysius and Plutarch tell us, that those of the army who disliked his retreat from before Rome did not look upon him as treacherous, but thought his action pardonable: he being praised to it by such affecting motives. Add to this, that the hearts of the soldiers were gained to him by

his liberality; and the whole nation indebted to him for extraordinary services. It may therefore easily be supposed, that they did not refuse him a quiet retreat in their country; and if we consider his haughty and unforgiving temper, and his extinguishable hatred to the Roman tribunes and the popular party, these will sufficiently account for his not seeking, or even desiring to return, to Rome.

According to Cicero, (in *Lael.*) Coriolanus killed himself.

It may be proper, in the close of the history of this famous Roman, to mention, that, though Dionysius (whom Plutarch copies) has been followed, in the text, in what he says of Coriolanus's consent to be tried by the people, and of his defence at his trial against the accusations of the tribunes: yet from the character of this patrician, so haughty, obstinate, and untractable, Livy's account seems more credible. Not a word in the Latin historian of any such consent, or defence, or even trial. He affirms, that Coriolanus did not appear on the day appointed for his trial, and was condemned in his absence.

Dr. Middleton, in his treatise on the Roman Senate (p. 21), prefers the authority of Dionysius to that of Livy. "Where these (says he) happen to differ, it cannot be difficult to decide, which of them ought to have the preference; nay, it is already decided by the judgment of all the best critics; who, upon the comparison, have universally preferred the diligence and accuracy of Dionysius to the haste and negligence of Livy."

To call in question the judgment of all the best critics, must be an extreme presumption. I shall therefore only say, that if so mighty an authority had not decided in favour of Dionysius, I should, in many instances, prefer (with regard to the history of the earliest times of Rome) the brevity of Livy to the ample and circumstantial accounts, and seeming accuracy of Dionysius; because I should suspect, that the abundance of the Greek historian was in no measure owing to his diligence, but to his boldness in supplying from himself what he could not find elsewhere to make out his story. Several passages, I think, might be produced from his Roman Antiquities to justify this suspicion. We shall see by and by, whether his account of Coriolanus's affair will not alone be sufficient. At present I shall proceed to observe, that Livy not only differs from Dionysius, with relation to the facts above-mentioned, but seems to have nothing of that assembly of the people by tribes (the first assembly of the kind) which the Greek historian reports to have passed sentence of banishment against Coriolanus. Plutarch makes the same report, and doubtless on his countryman's authority; and, I believe, that, on the same authority, and on that alone, all the learned moderns, who have treated of the Roman comitia, have, without scruple, admitted the fact. Nevertheless, there are some considerations which make it difficult to believe, that the Roman people voted by tribes, when Coriolanus was condemned to banishment.

I. First, The silence of Livy, who says not one word of comitia tributa, on occasion of Coriolanus's affair, nor till he comes to Volero's bill (which was twenty years after) for choosing the tribunes in those assemblies. He speaks particularly, and fully enough of the trials of Menenius and Servilius before the people, the one fifteen, the other sixteen years posterior to the banishment of Coriolanus; but on neither of these occasions does he say the least word of tribes: yet one would think, he could hardly have forebore mentioning, if it were true, what Dionysius relates; namely, that these persons were tried in comitia tributa; and that every one of the tribes gave sentence against Menenius, the son of their greatest benefactor; and not one tribe voted against Servilius.

It is almost incredible that Livy, in writing of the times, when so important a change is pretended to have been made in the constitution of the republic, should pass it over, without the least notice, if history did really afford any proof of that change being then made.

Whether comitia tributa, assemblies of the people, upon which the senate was to

have no control, should be introduced for the trial of senators, in capital causes, was surely a question of much greater moment to the senate, than whether the plebeians should be suffered to choose, in such assemblies, their own proper advocates and legal protectors, the tribunes: yet we find Livy very ample upon the dispute and struggle occasioned by Volero's bill, and wholly silent as to any contest about comitia tributa, in the affair of Coriolanus.

Is it in any degree probable, that the senators would have struggled with the tribunes and the people, almost to a civil war (as both Livy and Dionysius report), to hinder the tribunes from being elected in comitia, by tribes, if they had already consented to let senators and consuls be tried for their lives in such assemblies?

II. Not only the *silence* of Livy concerning comitia tributa before Volero's time, but likewise what he says, in speaking of Volero's bill, seems to furnish good reasons to question the truth of Dionysius's date of the introduction of those comitia. In book 2, chap. 60, Livy has these words:—"Thus with various fortune in war, and furious discord both at home and abroad, passed this year,* made memorable chiefly by the *comitia tributa*. The affair was more considerable for the victory itself, than for the benefit got by it. For neither the plebeians acquired, nor the senators lost, so much strength, as the comitia themselves lost dignity, by the exclusion of the senators from the council.—*Varia fortuna belli, atroci discordia domi forisque annuum exactum, insignem maxime comitia tributa efficiunt: res major victoria suscepti cœtantialis, quam usu. Plus enim dignitatis comitiis ipsi detractum est, Patribus ex concilio submovendis, quam virum aut plebi additum aut demptum Patribus.*"

See n. 2.
on Liv. l.
2. c. 56.

M. Crevier thinks it difficult to reconcile this passage of the historian with another, where he makes the first mention of Volero's bill, for choosing the tribunes in *comitia tributa*: "No trivial thing, under a plausible pretext and a harmless appearance at first, was proposed; but which would deprive the patricians of all power of creating, by the votes of their clients, such tribunes as they liked.—*Haud parva res, sub titulo primâ specie minimè atroci, ferebatur; sed quæ patriis omnem potestatem per clientium suffragia creandi quos vellent tribunos auferret.*"

If it were a duty incumbent on every reader of an ancient author to make him always consistent with himself, I should, on this occasion, say, that when Livy calls Volero's bill "no trivial matter," and a few lines after, "a thing weighty in itself,—*res suo molimine gravis,*" it is not with reference to its depriving the patricians of their influence in the elections of tribunes: for it appears plainly, that though they were busy enough in those elections, they had no great influence on the voters; and were far from being able to create such tribunes as they approved: otherwise, they certainly would not have suffered Volero to be two years successively in the tribuneship. But they neither could hinder his election, nor get into the college any one man who would oppose his measures: by the power therefore of the patricians, by the votes of their clients, to create tribunes, Livy can only mean to intimate, that this was pretended by Volero, and offered as the reason for preferring his bill; the avowed aim of which (whatever might be the secret one), was to put an end to undue influence in the election of tribunes. And Livy seems to allow this pretence to be specious, and no way unreasonable. For what else can be the meaning of those words "*sub titulo primâ specie minimè atroci?*"

And when the historian, after saying, "*annum insignem maxime comitia tributa efficiunt,*" adds, "*res major victoria quam usu; plus enim dignitatis,*" &c. I apprehend his meaning to be, that the difference was really very inconsiderable as to the influence of the patricians, in the people's choice of tribunes. M. Crevier seems to doubt, whether there was any difference. "*Quomodo per clientium suffragia minus valeant patres tribus comitiis, quam curiatis, quibus antea tribuni creabantur, haud satis liquet.*" And this makes it the harder for him to reconcile "*res major victoria quam usu,*" with "*haud parva res.*" But M. Crevier, to increase the difficulty, has

Loc. cit.

taken into consideration not only what Livy intimates, but what Dionysius tells us of the difference between comitia curiata and comitia tributa. The senators were excluded the comitia tributa, according to Livy; and, according to Dionysius (when he speaks of Volero's bill), no previous senatus-consultum, nor sacrifices, nor auspicia (of which the patricians had the sole management) were necessary to the holding these comitia, and to the making valid what was determined there; all which were necessary in the other.

Haud parva res.] Hæc non facile conciliari posse videntur cum iis quæ infra de hac eadem re habet Livius in fine c. 60., ubi *plus dignitatis comitiis per hanc actionem detractum ait, quam virium aut plebi additum, aut adeptum patribus.* Nec vero medio-criter imminuta videtur hac lege patrum potentia. Primo enim patres ex comitiis tributis submovebantur, quod docet noster in illo c. 60. loco, quem jam attulimus. Inde est, quod comitia hæc habebantur plebis propria, et leges in iis latæ *plebiscita* nuncupabantur. 2º. Dionysius hac ipsa de lege agens (l. ix.) docet iisdem comitiis necessarium non fuisse ut senatus auctor fieret. 3º. Nihil in iis opus fuisse sacris aut auspiciis, quorum arbitri patres erant. Crev. Liv. p. 146.

Now, supposing that these were, from the beginning, the distinguishing privileges of the comitia tributa, and that Livy had these in his mind, it will not be difficult to see, why he calls Volero's bill "*haud parva res,*" and "*res suo molimine gravis.*" For the very introduction (under any pretence whatsoever) by full and undisputed authority, of comitia tributa (a new sort of general assemblies of the people, from which the senators were to be, in all senses, excluded), was doubtless a matter of great moment; though the mere transferring the elections of the tribunes from the curiæ to the tribes was not so. This latter might be *res major victoria quam usu.*

Dionysius tells us, that Volero, in his second tribuneship, before the bill was passed, added to it these clauses, that the ædiles should be elected in comitia by tribes, and that these assemblies should have a power of concluding all matters, the cognizance and determination of which belonged to the people. [Πάντα τὰ ἄλλα, D. Hal. ὅσα ἐν τῷ δήμῳ πᾶντιοῖσά τε καὶ ἐκικυρῶσθαι δύναισι. Et quicquid aliud apud popu- lū agi decernique oporteret.] An addition, says the historian, which imported nothing less than an abrogation of the power of the senate, and a transfer of it to the people. I. 9. c. 43. P. 600.

The very learned author of a late work, entitled, *Elements of the Civil Law*, p. 203, speaks as if he thought, that the clause *quicquid aliud*, &c. had passed with the rest of the bill into a law. But Dionysius does not expressly say this: he seems rather, in the close of his story, to confine the matter of the law to the election of tribunes and ædiles in comitia tributa. And, had he expressly said, that the bill was passed with that clause, yet the thing would be absolutely incredible; because, in that case, the electing of consuls, and of all the curule magistrates, and the determination of all matters cognizable by the comitia centuriata, would have been transferred to the comitia tributa; which nobody has ever imagined. P. 605.

But, to return to Livy's words, "*annum insignem maxime comitia tributa efficerunt,*" I shall leave it to the reader's consideration, whether, as the historian never mentions comitia tributa, till he comes to the year when Volero preferred his bill, those words do not import, that the use of comitia tributa was first introduced into the republic in that year. If the leading men of the plebeians had formed the project of bringing comitia by tribes into use, for various sorts of business, they could not have thought of a more easy and natural way of introducing such comitia, than by demanding them at first, only for the electing of tribunes; nothing having a greater appearance of reason, than that the plebeians should be left free in the choice of their own proper advocates and protectors. And this I take to have been the real fact.

Comitia tributa were introduced, under that pretence, by the tribune Volero, to revenge himself amply on the patricians for the affront he had received from

them; and not twenty years before, by the tribune Sicinnius, for the trial of Coriolanus, as Dionysius reports.

III. The many improbabilities and inconsistencies, and the long elaborate speeches in Dionysius's account of the first introduction of comitia by tribes, furnish ground to suspect, that his principal aim in that account, was to get an opportunity of displaying his own talent of oratory; and not to instruct his readers by a true relation of facts. Whoever peruses attentively what he has written of the dispute between the senate and the tribunes, concerning Coriolanus, will, I think, observe, that there were three points in question.

1. Whether an assembly of the people could legally take cognizance of a criminal accusation, brought against a senator, or any patrician?

D. Hal. Coriolanus at first declares, that he is accountable to the *consuls* only, and that
 1.7.p.43. he will, in no instance, in nothing [*οὐδὲν ὑπὸν ὧν ὑπάκουμαι*], submit himself to the
 P. 463. judgment of the people. Yet, when he finds that the majority of the senate are of a different opinion, he consents to be tried by the people; provided he be accused of nothing but the greatest of all crimes, aiming at the *tyranny*. Nay, in the end, he consents (according to Dionysius) to be tried on this article in an assembly of the people, where the tribunes, whom he had just before reviled and insulted, are to be lords president; and where the consuls and senators (according to some learned writers) could not be present.

P. 453, Appius Claudius pretends, that the *senate* is the only court, where a patrician
 et seq. can legally be brought into judgment: and, to support this opinion, he is furnished by the historian with the most senseless arguments that can be imagined.

P. 460, The *consuls*, and Valerius, and the majority of the senate, have more reason
 et seq. and temper. They do not deny that a patrician may be brought into judgment before the people: they only insist on the necessity of a previous decree of the senate, authorizing the assembly of the people to try and judge the accused.

2. This, therefore, was the second point, "Whether, granting the people to have the prerogative of judging patricians, they could legally exercise it in any particular cause without a previous *senatus-consultum*, authorizing them to hear and judge that cause." The consuls say, No: the tribunes say, Yes; founding their claim on the *Valerian law*, for appeals to the people, in case of oppression by the nobles: which law would be rendered vain if the oppressors had the power of hindering, by the refusal of a *senatus-consultum*, the complaint from being brought by appeal before the people.

Nevertheless, the tribunes do at length, with regard to the particular cause of Coriolanus, consent to ask a *senatus-consultum*, authorizing the people to try him. This being obtained,

3. The third point in question was, concerning the form of the assembly in which the accused should be tried. But it is to be remarked, that (according to our historian) this question does not come into dispute, till the very hour when the people are assembled to hear the cause.

The consuls and patricians, perceiving the purpose of the tribunes to have the people vote by tribes, remonstrate against it, and make a mighty clamour. They urge the established custom of the people's voting by centuries, on all affairs, referred to them by the senate. Nevertheless, after some time spent in altercation, they yield the point to the tribunes; a point of greater moment than any they had before disputed.

The unlikelihood of these facts (not to say the falsity of the relation) would have appeared in a stronger light, if our diligent and accurate historian had, on occasion of this his pretended introduction of comitia tributa, declared the distinguishing privileges and properties of these assemblies. But, instead of instructing us fully in these points, he gives us a description of the comitia by centuries, which he had already given in his fourth book; and of the comitia tributa says nothing but,

1. That in these assemblies the vote of a poor man was equal in value to the vote of a rich man. And,

2. That (all the citizens) had votes. (For this is intimated in the reason he gives for thinking that in this dispute the tribunes were more in the right than their opponents, viz. That the cognizance of crimes against the public equally belonged to all.)

Now the first of these does in no wise distinguish the *comitia tributa* from the *comitia curiata*.

And the second seems not to be true.

Indeed the learned writer, just now mentioned, speaking of a tribune's right to summon the people to the *comitia tributa*, adds in a parenthesis "(where the patricians also might be present and vote, if they pleased; but could not be compelled, nor were they summoned)." And it is expressly asserted by Lælius, (apud A. Gell. 13. 27.) that the patricians were not summoned to the councils called by the tribunes. "Is qui non universum populum sed partem aliquam adesse jubet, non comitia sed concilium edicere debet. Tribuni autem neque advocant patricos, neque ad eos referre ulla de re possunt: ita ne leges quidem propriè, sed plebiscita appellantur, quæ tribunis plebis ferentibus accepta sunt." But this same Lælius (whoever he was) does not say, that the patricians might be present and vote if they pleased. And it would seem from Livy's words, above-cited (*Patribus ex concilio submovendis*), that the senators at least, if not all the patricians, were absolutely excluded from the *comitia tributa*, when held for the election of tribunes. Manutius, as to this point, speaks confidently in his comment on the following words from Livy, (l. 1. c. 17.) "*Patres decreverunt, ut, cum populus regem jussisset, id sic ratum esset, si Patres auctores fierent: hodieque in legibus magistratibusque rogandis usurpatur idem jus, vi adempta. Priusquam populus suffragium ineat, in incertum comitiorum eventum Patres auctores fiunt.*"

Taylor's
Elem. of
Civ.
Law,
p. 198.

On this passage Manutius (cap. 9.) writes thus: "Non iis comitiis quæ plebeius magistratus habebat, quæ tributa dicebantur, sed iis quæ patricius, hoc est centuriatis et curiatis, patres auctores fiebant. Qui enim credibile est, auctoritate patrum comitia tributa confirmari oportuisse, cum *patres* (ut lib. ii. Livius docet) iis comitiis, quibus plebei magistratus crearentur, Voletonis (tribuni plebis) lege, summi moti sint? Vero igitur similis est, non de omnibus comitiis, sed tantum de centuriatis et curiatis, quibus adesse patriciis licebat, Livium intellexisse."

We see here that Manutius not only is clear, as to the exclusion of the senators from the assemblies where the tribunes were chosen; but, by the words "quibus adesse patriciis licebat," intimates that there were "comitia quibus adesse patriciis non licebat," and that all the patricians were excluded from the assemblies held by the plebeian magistrates, i. e. by the tribunes and ædiles.

And this is agreeable to the definitions given of plebiscitum and plebs in the institutes.

"Plebiscitum est quod plebs, plebeio magistratu interrogante (veluti tribunus), constituebat. Plebs autem à populo eo differt, quo species à genere: nam appellatione *populi* universi cives significantur, connumeratis etiam patriciis et senatoribus. Plebs autem appellatione, sine patriciis et senatoribus, ceteri cives significantur." L. 1.
t. 2.
§. 4.

But, to return to Dionysius. Though he gives us little instruction concerning the *comitia tributa*, when he first speaks of them; yet when we come to Volero's law for choosing the tribunes in those assemblies, he mentions two or three particulars, in which *comitia tributa* differed from *comitia curiata*. A previous *senatus-consultum* was requisite, before the latter could enter upon business; and, when they had done, their determinations could not be ratified, till, after due inquiry, it was found that neither the gods nor the birds had any thing to object. But in the *comitia tributa*, no decree of the senate, no sacrifices, no approving birds, were necessary; and all business was dispatched in one day.

Legem promulgavit (Volero) de electione tribunorum, ea quidem ex curiatis,

(*quæ eo nomine a Romanis appellantur*), in comitia tributa mutans. Quædam autem sit horum comitiorum discrimen, ego declarabo. Curiata comitia oportebat, præcedente S. Cto. et suffragiis a plebe curiatim latæ, atque post hoc utrumque signis divinis avibusque non adversantibus, tunc demum rata esse: tributa vero comitia sine S. Cto. atque sine sacrificiis, nullisque avibus addicantibus, uno die a tribulibus peragi." D. Hal. lib. 9. c. 41. p. 598. D. Tayl. Trans.

It is to be remarked that Dionysius, on the present occasion, omits mentioning, not only what Livy intimates—the exclusion of the *senators* from the *comitia tributa*—but several properties of those comitia, which the learned have enumerated, and which (if they really belonged to those assemblies, from the time of their first institution) so diligent and accurate an historian ought not to have passed over in silence.

Perhaps it will be agreeable to the reader, if I here insert some extracts from the valuable work abovementioned concerning the Roman comitia, and the difference between *lex* and *plebiscitum*. For though the matters are most of them treated in the foregoing sheets, and particularly in a long extract from Mr. Kennet's Roman Antiquities, which is given in b. 1. chap. 7. yet the reader will, by a repetition, here, of such particulars as I shall have occasion for in what I have farther to say on the present question, be spared the trouble of turning back to find them: and there are in what I shall transcribe from the valuable work, some excellent hints and observations not mentioned any where before in history.

Dr. Taylor's
Elem.
of the
Civil
Law,
p. 178.
J. 1. 2. 4.

"A fair account of the several sorts of Roman law will give us a competent view of the Roman constitution.

"*Lex*, is quod populus Romanus, senatorio magistratu interrogante, constituit:

"*Plebiscitum*, quod *plebs*, plebeio magistratu.

"The three essential differences between *lex* and *plebiscitum* are,

"1. The enacting parties; *populus* on the one hand, and *plebs* on the other.

"2. The legislator, or person proposing; a member of the senate in that instance, and a tribune in this. And,

"3. (What is not expressed above) the difference of the comitia, or assembly in either case. [Of each of these in their order.]

"I. *Populus Romanus*—*Plebs*.

P. 179.
J. 1. 2. 4. "The people of Rome, taken collectively, was called *populus*. From which *plebs* differed, as species a *genere*, says Justinian, rather as *pars a toto*.

"Every Roman was by birth either a patrician or a plebeian. The former are generally supposed to descend from the better class of citizens at the first establishment of the constitution; the sons and lineage of those whom Romulus called to his council, and whom he named '*patres*,' either *ab ætate* or *ab auctoritate*. The descendants of the rest, the plebeii, were for some time excluded from all honours.—They came by degrees to share in most parts of the administration, but still continued a different class of people, with different rights and distinction of character. So that the best way of conceiving this division would be to consider the patricians and plebeians as two factions in the state, blended indeed very frequently in regard to honours, rank, and condition, but still separated by descent and family interests. For instance: the distribution of the Romans into *senatores*, *equites*, and *plebem*, was not a distribution of species, or sort, but rank, order, or degree. It was a verse of Ausonius, I think,

Martia Roma triplex, equitatu, plebe, senatu.

where plebeians are not such as lately were opposed to patricians (for the *equites* were patricians or plebeians indifferently, and so were the *senatores*), but those whose census or estate was below the census required for *equites*:

*Si quadringentis sex septem millia desint,
Plebs eris.*—————

Hor. 4.
Epist.
1. 58.

Songain, when the Romans were divided into *nobiles* and *novi*, this is also a distinc-

tion of rank, not nativity, and affects not the distinction of patricians and plebeians. Nobles were such whose ancestors had borne particular offices, whether they were patricians or plebeians. So that many plebeians were nobles, and many patricians not so.——

"If it be asked, whether this distinction of *populus* and *plebs* be uniformly maintained, I answer, that neither in this nor in any other instance were the Romans such slaves to language as not to depart from some settled rules upon many occasions. Thus *populus* (properly the whole people of Rome universally) is yet, in the following instance, opposed to *plebs*, or a part of itself :

• "LEPIDUS IMP. ITER. FONT. MAX. SENAT. POP. PL. Q. R. S. D.

Cic. x.
Fam. 30.

"And, on the contrary, *populus* sometimes stands for *plebs*, as distinguished from the other division of the Roman people :

Primores populi arripuit, *populumque* tributim.

Hor. 2.
Sat. 1. 69.

"II. The second difference was the officer who made the proposal. It was a magistrate who proposed the *lex* : the *plebiscitum*, a tribune only. And as magistracies and offices among the Romans were pretty numerous, be it remembered, that it was one of the *magistratus majores*, or the magistrates of a higher order only, such, namely, *penes quos erant majora Reip. auspicia*.

"These were either *ordinary*, as consul, prætor, censor ; or *extraordinary*, as interrex, dictator, decemviri legibus scribendis, trib. mil. cos. pot. triumviri, R. P. C.

"III. The third difference between *lex* and *plebiscitum*, though not commonly expressed in the definitions of them, is the difference of that court or assembly at P. 183. which each of these were enacted.

"The assemblies or *comitia* of the Romans, were *curiata*, *centuriata*, *tributa*. In the two former were the *leges* enacted, in the latter the *plebiscita*.

"COMITIA CURIATA.

"It is sufficient to understand in general, that Romulus divided his people into three tribes ; and each tribe into ten *curiæ*. During the reign of the five first kings, the *comitia curiata* were the only assemblies of the R. P. Here they chose magistrates, enacted laws, determined upon peace and war, &c.

"COMITIA CENTURIATA.

"Under the former distribution, the vote of the meanest man was as effective as that of the best. Servius, the sixth king, desirous to throw the balance into the scale of the more valuable part of the people, enjoined the lower sort, by telling them, that, to ease their burden of being taxed to the exigencies of the public in the same proportion with the rich, he desired them to bring in a true state of their condition, family, age, &c. upon oath. Having got this knowledge of his subjects, he distributes them afresh according to their substance and condition. He divides them therefore into six classes, which consisted of 193 centuries.

"Class I. Consisted only of senators, patricians, and men distinguished by their worth and riches. In this class were eighteen centuries of horse, and eighty centuries of foot ; in all ninety-eight, &c.

"In both assemblies, whether *curiata* or *centuriata*, the question was not carried by a majority of single voices, but by a majority of *curiæ* or centuries. [Whatever P. 185. was voted by a majority of the *curiæ*, was referred to the *senate*.] "Ο, τι ταῖς πλείοσι δέξαι ἐπαρξάται, ταῦτο ἐν τῇ τῶν Βουλῶν ἀσπίδι. D. Hal. 11. 14.

"(This senate was composed of a few, and those of the better sort.—The *comitia* was the popular assembly of all the Roman citizens universally.)

"I descend from generals, and come to consider minutely the matter of tribes, of *curiæ*, and of centuries.

"The three tribes, into which I observed Romulus had divided the original peo-

ple of Rome, were either *Rhamnenses*, such as came with him from Alba: *Tatienæ*, such as came in under Tatius the king of the Sabines: or lastly, *Luceres*, possibly that multitude that flocked in from all quarters, upon Romulus's invitation.

"But this division of the Romans, into *tribus* *geniæ*, as D. Hal. calls them (for it regarded the original, the stock, the descent of the constituents), did not prevail long: there ensued under Servius another, which was a local distribution, and which the same author accordingly calls *tribus*. He divided, for instance, the city into four wards, or regions, which he called tribes also: *Saburbana*, *Esquilina*, *Collina*, *Palatina*; and denominated his people thus digested, not from the race they sprang from anciently, but the place they inhabited now. And this was also a more equal division. For the *Luceres*, besides being the more numerous, were daily increasing by a conflux of adventitious people, which the other were not.

"The division of the Romans into tribes and *curiæ*, resembles much the Athenian distribution into *ῥῆται* or tribes, which were again made up of several distinct fraternities, called by them *φάτριάι*.

"I would have it noted, that the subdivision of the Athenian tribes was twofold; the one a civil and political one, namely, *δῆμοι*: whereas the other of *φυλῆαι* partakes more of a religious nature, as there was a temple, a place of worship (*φυλῆον*), and also rites and sacrifices appropriated to each fraternity.—By what we can guess at this distance, the former (*δῆμοι*) might resemble the wards of a city in a local consideration: the latter a separation into parishes, or perhaps, companies, or fraternities, distinct in place and habitation, but united in one common interest.

"The Roman disposition was much of the same nature, but more simple; where the distribution into *curiæ* seems to answer both the purposes last-mentioned.—

"—When we are asked, what became of the *comitia curiata* after the institution of the *centuriata*, namely, when the votes of the people came to be collected not by fraternities or companies, but by a new distribution of the same people, according to their rank, consequence, and substance. I answer in general, they were still retained, as we say, *dicis causâ*, or for form's sake, possibly, '*quod in iis major esset sacrorum auctoritas.*' So Cicero. '*Prima illa comitia tenetis, centuriata at tributa: curiata tantum auspiciorum causâ remanserunt.*'

"The conclusions of the *comitia centuriata* were still ratified here in show, this being the older and more constitutional assembly of the two; and it was easily conducted, thirty lictors or public officers representing the thirty *curiæ*. And so Cicero seems to distinguish between the very *comitia curiata*, and those '*ad speciem atque ad usurpationem vetustatis per triginta lictores auspiciorum causâ adumbrata.*'—

"It must not be forgot moreover, that in process of time the number of the tribes grew up from four to five-and-thirty (the first being called *urbanæ*, the additional ones *rusticæ*), without a correspondent enlargement of the *curiæ*. So that there was not a Roman who did not belong to some tribe, and some century, but not necessarily to some one of the *curiæ*.—

"For some time the tribes,* with their *curiæ*, comprehended the people of Rome in one manner of distribution, and the six classes, with their centuries, in another, without any mixture or relation: but as Sigonius gathers from Livy, afterward these

* By the tribes, here spoken of, are meant, I presume, the four city tribes; that these comprehended (not all the Roman people, as the six classes with their centuries did, but) the people who inhabited Rome, or belonged to the *curiæ*, for the learned writer has just observed, that it was not necessary that every Roman should belong to some one of the *curiæ*, as it was, that he should belong to some tribe or century. And so when in p. 186, he says, that, "after the institution of the *comitia centuriata*—the votes of the people came to be collected, not by fraternities or companies, but by a new distribution of the same people according to their rank, consequence, and substance," the like distinction is to be remembered; because the people of whom the fraternities or companies were composed, made but a part of the assembly by centuries.

Vid. supr.
p. 25. 29.
90.

P. 186.

P. 187.
II. Agrar.
§. 11.

Id. ibid.
§. 12.

two distributions were united or blended together. Which may be thus comprehended, viz. by conceiving the Roman people distributed (as they were) into thirty-five tribes, each tribe into six classes, and every class into the appointed number of centuries. Every class, which before took in all the people of Rome, of that lot, or distinction, was now broke into thirty-five shares, according to the number of the tribes.—

“It may be useful to take a short review of the manner of passing laws at P. 188. Rome.—

“The person who had a law to propose, first wrote it over at home, and shewed it his friends, before he proposed it, that there might be nothing in it contrary to the form and necessary ingredients of such a proposal.

“Next followed a proclamation appointing a day to meet upon. There was always a necessary interval of *tres nundinæ*, or twenty-seven days, between this proclamation and the day of assembly: that the *tribus rusticæ*, which came to Rome to market, might be acquainted with the contents of the law.—

“It was not lawful to hold this court upon the very day of the *nundinæ*; but it P. 189. was held, commonly, upon the day after.” For the *nundinæ* were *dies nefasti*.

“—The same number of days was observed in summoning those *comitia*, which were held for the election of magistrates: that the candidates might have time to apply, and the people to form their judgment.—

“The same rule was observed in all causes that were heard by the people.—

“If the proposer was of the *magistratus majores*, he commonly laid it before the senate for their approbation. The *tribunes* laid their *plebiscita* before the people, without consulting the senate.

“When they were assembled, a crier proclaimed the law after a clerk, that read it to him.

“Then the proposal was supported or opposed, either by the magistrates, who had this right inherent in their office, or by private people, who had first obtained this leave from the magistrate.—

“If any private man spoke, it was done before the magistrate spoke, that the latter might have no influence in swaying the former.

“This was called *legem suadere*, or *dissuadere*.——

“It was now the proper time for the interposition of the tribune, who by his *vis* had a power of putting a stop to all business, which was called *legi intercedere*. If nothing of this kind interfered, after some religious ceremonies, they proceeded to what was called *soritio*, which was thus; after the establishment of the classes and centuries, it prevailed for some time, that the centuries of the first class, which was a balance for all the rest, were called to give their votes first, which frequently determined the whole process. For, if they concurred in opinion, it was needless to take the sense of the rest.—If there was a necessity, the others were called in their order, till a majority of the centuries was obtained. This method after some continuance was altered, and the centuries not called out by any pre-eminence, but P. 191. by lot. A box (*urna* or *sistella*) was produced, and the names of the thirty-five tribes, upon billets or tickets, thrown in; and, the box being shaken, each tribe voted in the order in which they were drawn out. And not only the tribe, but the century under that tribe, was determined in the same method.* For we have lately seen the centuries thrown in the tribes, and involved in that distribution. The tribe which was first drawn, was called the prerogative tribe, and the century in that tribe, the prerogative century. And the person first called *honoris causa*, in that century, was called *primus*.——

“The lots being drawn for the tribes and centuries, the proposer of the law di-

* Mr. Kennet seems to differ from Dr. Taylor in this particular, making the prerogative tribe and the prerogative century only to be determined by lot, the rest to be sure *sorte*, because they were called out according to their proper places. Vid. *super*. p. 94, 95.

rected every man to repair to his tribe or century by these solemn words: 'Si vobis videtur, discedite, quirites.'

The votes were given for some time by word of mouth:—But about the year 614, A. Gabinus carried a question—That every man should vote in the election of officers, not by word of mouth, but by ballot. Two of these were given to every voter, the one inscribed A. i. e. *Antiquo*; the other, U. R. i. e. *Uti Roges*. Two

P. 192. years afterward, L. Cassius Trib. Pl. proposed a law that such ballots should be used also in the courts of judicature, inscribed A. i. e. *Abolvo*; C. *Condemno*; N. L. *Non liquet*.—

"Next to this, A. 621. C. Papirius Carbo introduced them into the comitia for the purpose we are now considering:—

"—After the receipt of their billets [from the distributores, called also diribitores, and divisores], they [the voters] were to proceed over an extempore stage of planks raised on purpose, and called, from their likeness, pontes; in number thirty-five, or, 193, according as the comitia were tributa or centuriata. From the straightness of the way I should conclude, they voted *viritim*.—

P. 193. "As at one end of the bridge they received their billets from the hands of the diribitores, so at the other they returned them to the officers called rogatores, who were placed there with boxes or urns to receive them. But as both these officers lay open to corruption, they were sometimes checked by inspectors (custodes), placed over them; sometimes people of the first character, to prevent collusion, would execute these offices in their own person.—

"The people [the voters] after they had given their votes were immediately enclosed behind rails or cancelli, set up for that purpose (to prevent confusion in the assembly, or any foul play), and called with great simplicity, from their likeness to sheep-pens, *ovilia*.—

"After each tribe (or century) had passed by, the suffrages or votes of that tribe (or century) which had been marked with dots or points, were cast up:—Hence in Horace:—"Omne tulit punctum.——"

P. 198. "The power of this officer [the tribune of the commons] consisted in two things, in prohibendo and in rogando. In virtue of the former, he had a place in the senate, but no vote, and by his single negative or veto, by the single veto of any one of the number, all proceedings were stopped.

"In virtue of the other, viz. rogando, he had a right to summon the people to the comitia tributa (where the patricians also might be present and vote, if they pleased, but could not be compelled, nor were they summoned), and there propose a question; which, if it passed into a law, was therefore called *plebiscitum*, i. e. *scitum plebis*.

Festus in V. "Scita plebis appellantur ea, quæ plebs suo suffragio sine patribus jussit, plebeio magistratu rogante."

"For *sciscere*, *scire*, like *γινώσκω* of the Greeks, is the same with *statuere*.—

P. 199. "These laws at first bound only themselves, not the patricians, and were not properly laws, but owed their strength chiefly to compact and connivance, rather than proper authority, which they had not, *ob defectum majestatis*.

"Afterward—they bound the whole people.——"

The learned writer gives "the history of these proceedings as they are related by some who seem [he says] to have considered them most accurately," [and he refers to *Festus de senect.* L. L. page 445, as if he borrowed the history from him.]

"A. U. C. 260. *Secessio in Montem Sacrum*. The constitution of the tribunitial power, and a decree. 'Ut id ratum esset, quod plebs ad se per trib. pleb. latum jussisset.' *Livy*, 11. 53.*

"A. U. C. 306. A second secession in Montem Aventinum, M. Horatius Bar-

* [There seems to be some mistake here; for *Livy* does not mention in 11. 53, nor, I believe, any where else, a decree made A. U. C. 260. *Ut id ratum esset, &c.*]

batus, and L. Valerius Potitus Coss. the year of the abdication of the Decemviri, *lex HORATIA*, 'ut, quod tributum plebes jussisset, populum teneret. Qua lege, tribuniciis rogationibus telum acerrimum datum est.' Liv. 3. 55.

"A. U. C. 415. Publius Philo dictator. A law to explain and amend the act of 306, where the word was populum; viz. that the plebiscita should oblige all the quiritēs. Liv. 8. 12. This dictator is sometimes called Publilius, and this law *lex Publilia*.

"A. U. C. 467. *LEX HORTENSIA*. Hortensius dictator; secessio in Janiculum. [Epit. Liv. lib. 11.] The patricians had attempted to frustrate the *lex Horatia*. And now the people were pacified with the ratification of it, by the *lex Hortensia*.

"Tribuni neque advocant patricios, neque ad eos referre ulla de re possunt: ita ne leges quidem proprie, sed plebiscita appellantur, quæ tribunis pl. ferentibus accepta sunt. Quibus rogationibus ante patricii non tenebantur, donec Q. Hortensius dictator eam legem tulit, ut eo jure, quod plebes statuisset, omnes quiritēs tenerentur.' Gell. 15. 27.

"Q. Hortensius dictator, cum plebs secessisset in Janiculum, iegem in Esculeto tulit, ut quod ea jussisset, omnes quiritēs teneret.' Plin. 16. 10.

"This history is, in some parts of it, controverted by other writers.

"Thus plebiscita became laws.

P. 200.

"To close with the

"COMITIA TRIBUTA.

"We have seen the distinction between the comitia curiata, and the comitia centuriata of the Romans:—it is proper to consider the third sort, the comitia tributa. The account given of each of these by a writer in A. Gellius stands thus:

"Quum ex generibus hominum suffragium feratur, curiata comitia esse; quum ex censu et ætate, centuriata; quum ex regionibus et locis tributa.' 15. 27.

"Forgetting, therefore, that there ever were such assemblies as the curiata, we find the sense of the Roman people ordinarily taken in that council, which Servius established by a digestion of his subjects according to age, quality, and condition, and called it the comitia centuriata. It was in this they held the elections of magistrates, the trials of offences, the deliberations about peace and war; and here were all matters adjusted relating to legislation, to adoptions, and to last wills and testaments. In a word, it was the only assembly for transacting public business.

"Upon this account it was never called but by the officers of the first distinction, and held with very extraordinary rites and solemnities, viz. with those kinds of religious services, which were appropriated to the patricians, to the exclusion of the other part of the subjects.

"Penes quos igitur sunt auspicia more majorum? nempe, penes patres. Nam plebeius quidem magistratus nullus auspiciato creatur. Nobis adeo propria sunt auspicia, ut non solum quos populus creat patricios magistratus, non aliter, quam auspiciato, creet: sed nos quoque ipsi sine suffragio populi auspiciato interregem prodamus, et privatim auspicia habeamus, quæ isti ne in magistratibus quidem habent.' Liv. 6. 41.

"1. This was therefore one great and essential difference between the two assemblies [the centuriata and the tributa].—

"Hence it was, that the patricians being seized of the auspicia, and many religious rites, would frequently disappoint the commons (who had an interest in a bill, or a point to carry) under a pretence of religion, and make an adjournment, in order to gain time for canvassing. It was called obnunciare when they reported the auspices to be unfavourable.—

"But the comitia by tribes had nothing of all this, were opened with little or no ceremony, were not disturbed by the report of any bad omens, and did not admit of adjournment.

"But other differences we find many and material.

"2. In the one case the senate was to be consulted, in the other it needed not.

"3. Besides the difference between *lex* and *plebiscitum*, capital crimes, and those of a higher nature, were cognizable in the *comitia centuriata only*: in the other [the *tributa*] the punishments never extended beyond fine and banishment.

"4. The general sense of the people (universally) was better had, when the suffrages of every individual were equally valid. When Rome voted by her centuries, the balance was with the better sort: and that multitude which composed her lowest century was very rarely consulted.

P. 202. "The thought of this assembly [the *comitia tributa*] was first struck off by the people in the case of Coriolanus, A.U.C. 262. The Roman *comitia* we have seen to be held principally upon these three occasions.

"1. For the trial of Roman citizens.

"2. For the election of magistrates and officers.

"3. For the establishment of new laws, and the abrogation of old ones.

"When the cause therefore of Coriolanus came on, who was the idol of the better sort, and the aversion of the lower, it was impossible to convict him upon the plan of judicature which then prevailed. But Dionysius will speak for me."

(This brings us about again to the question, which gave occasion to the making these extracts, from the learned writer's treatise.)

Well, what says Dionysius?

He tells us in the passages referred to by the learned writer,* "That early in the morning of the day appointed for the trial, a more numerous crowd of people from the country appeared in the forum than had ever been seen there before: that the tribunes called them to an assembly, by tribes, and divided the *comitium*, or place of assembly, into portions by extended cords, in order to range the tribes distinct and separate one from another: and that then for the first time the Roman people gave their suffrages by tribes, the patricians opposing it, and declaring, that *comitia* by centuries ought to be held according to the ancient custom."

* Επιστάσης δὲ τῆς τρίτης ἀγορᾶς, ὁ μὲν ἐκ τῶν ἀγέων ὄχλος, ὅσοι οὖσαν κείνην, συναλυσθὲς εἰς τὴν πόλιν, ἔαδεν ἔτι κατεῖχε τὴν ἀγορὰν. οἱ δὲ δῆμαρχοι συνεκάλεσεν τοὺς πλείους ἐπὶ τὴν φυλὴν ἐκκλησίαν, χωρὶς τῆς ἀγορᾶς περισχέουσιν, ἐν οἷς ἐμύλλον αἱ φυλαὶ στήσεσθαι κατ' αὐτάς. Καὶ τότε πρῶτον ἔγιντο ῥωμαίοις ἐκκλησίαι κατ' ἀνδρῶς [omitted cum Lapo et Gelenio κατ' ἀνδρα] ἡσυχρότερος ἢ φυλετικῇ· πολλὰ δὲ ἐναντιοῦσθαι τῶν Πατρίων, ἵνα μὴ τοῦτο γένηται, καὶ τὴν Λοχίτην ἀξιοῦνται συνέχειν ἐκκλησίαν, ὥσπερ αὐτοῖς πάτριον ἔν. Lib. 7. c. 59.

Quum autem dies trinundini instaret, turba ex agris, quanta nunquam ante, in urbem conflavit, et eundem mane forum occupavit. tribuni vero plebem ad tributa comitia vocarunt, et comitii loca funibus undique clanserunt, in quibus singulas tribus distincte, et alie ab aliis separatæ erunt futuræ. Et tunc primum P. R. tributa comitiis virium suffragia tulit, multum reclamantibus patriciis; et impedire vultibus ne hoc fieret, atque centuriata comitia more patrio habenda consentibus.

And a little below:

Οἱ μὲν οὖν συναγαγόμενοι Μαχίον—ἤλθον καλεῖν τὴν ἀπὸ τῶν Τμημάτων ἐκκλησίαν, ἐκκλησάσαντες τὰς μὲν ἀπὸ τῆς πρώτης κλήσεως ἐπὶ τῶν ἐκτὸς καὶ ἐνὶ τῇ πόλει Λοχίτην ἀπαιτῶν, στήσεσθαι κατ' ἀνδρα· οἱ δὲ μάλιστα, ἐπὶ τῆς δευτέρας ἢ τρίτης. Οἱ δὲ δῆμαρχοι ἅπαντα βιάσασθαι, καὶ αὐτὰ τὴν φυλετικὴν ἐκκλησίαν ὥσπερ δὲν συνέχειν, καὶ τοῦ ἀγέων ἐκείνου πλείους κείνην ἢ καὶ αἱ πόλιν τῆς συναγωγῆς μαινομένην, μὴτα εἰ φυλετικὴν τὴν ἐκκλησίαν ἀναγκάσαντες ἵνα μὴ χωρὶς, μὴτα ἀπειρμύοντες εἰς τὰς ἰσχυράς κλήσεις τοὺς δημοτίων πλείους ἀναγκάσαντες τὴν ἐκτὸς ἑστῶν. ἰσχυρότεροι δὲ καὶ ἡμίτητοι πάντες ἀλλήλους γένεσθαι, μὴ κλησὶν τὴν πόλιν ἰσχυρότερον κατὰ φυλὰς. Lib. 7. c. 59.

Marci et Plebis Coriolani propagatores—possessit (centuriata) comitia, quæ ex centuriata, non tributa, fore ut fortasse a prima classis novaginta et octo centuriis, uti militum, a seconda autem, aut fortis, abolveretur. At tributa hoc significat, et ipsi tributa comitia habenda esse putarunt, et id iudicium illis comitiis tributa, et neque pauperes detiore essent conditione, quam divites neque tributa militum, neque locum quam milites graviter armati, haberent; neque plebs in illiusmodi comitiis a suffragiorum equalitate excluderetur, sed æquo suffragiorum et locorum, neque inter ad fruendum, et pariter vocali suffragia tributa forent.

Then he tells us the old story: that in the *comitia centuriata* the centuries of the first class, which were the majority of the whole, and which consisted of the richest citizens, always voted first, and then the centuries of the second class, and then the centuries of the third class, and so on; and that the lowest classes seldom voted. And that, for these reasons, the friends of Coriolanus were for *comitia centuriata*, hoping that he would be absolved by the centuries of the first class alone, or, at least, by those of the second and third. But the tribunes, suspecting the same, were therefore for *comitia tributa*; an assembly where every citizen had a vote, and all votes were of equal value.

It is this representation of the case by Dionysius, which has led the learned writer to say (as above), that "Coriolanus was the idol of the better sort—and that it was impossible to convict him upon the plan of judicature which then prevailed." But surely no motive could be more unluckily invented by the historian, than what he has given the tribunes for desiring *comitia tributa* at this time; namely, the apprehension that Coriolanus would be acquitted, if he were tried by the centuries. This motive, I say, was invented without any wit, and probably for want of memory. He forgot that he had told us, in the beginning of the story, that the flaming anger of Coriolanus against the plebeians had a particular cause, over and above the causes of anger that were common to the patricians in general; that the plebeians had put a personal affront upon him, when he stood candidate [not many months, perhaps not many weeks before], at the last election of consuls. The people, that is, the centuries, had rejected him, because of his daring enterprising spirit, and the apprehension they had of his attempting the destruction of the tribunitian power; and especially because they were terrified with the multitude of patricians that appeared in his favour, and shewed more zeal for his promotion, than they had ever shewn in behalf of any candidate.* And this affront was before he had provoked the people by his project of starving them into a surrendry of their newly-acquired privileges.

It is plain, therefore, that he was not the idol of the better (i. e. the richer) sort, of which the majority of the centuries consisted; and that it was very possible to convict him upon the plan of judicature which then prevailed.

The learned writer has remarked, that "The patricians and plebeians were two P. 179. factions in the state, blended indeed very frequently, with regard to honour, rank, and condition, but still separated by descent and family-interests." Coriolanus was probably the idol of the younger patricians, and perhaps of some of the elder; but if he had been the idol of all the patricians, these would have been overpowered by the plebeians in the *comitia centuriata*.† For we may observe, that the great points

* Εἴτε γὰρ τις ἐξ τῶν κοινῶν ἐπαγγελμάτων, καὶ ἰδίας προφάσεως ᾗσιν τιμηθείας, ἐξ ἧς αἰσώμενοι, μισοῖν τοὺς δημοτικούς· ὑπάτειαν γὰρ αὐτῷ μετίστηι ταῖς ἔγγιστα γενεαῖς ἀρχαῖαισι, καὶ τοὺς πατρικίους ἔχοντι συναγωνιζομένους; ἢ αντιθεὶς ὁ δῆμος οἷα εἶδει δοῦναι τὴν ἀρχὴν τὴν τε λαμπρότητα τοῦ ἀνδρός καὶ τὴν τόλμην δι' οὐλοῦσας ἔχον· μή τι διὰ ταῦτα νικητὴς περὶ τὸν τὸν ἀνδρῶν κατέλιπον, καὶ μέγιστα διδόντες, ὅτι συνελθόντες αὐτῷ πᾶσι προθύμους τὸ τὸν πατριῶν πλῆθος, ὡς οὐδὲν τὸν πρότερον. ταύτης τε αὖν τῆς ὁδοῦς ὄντα ἱκανὸς ὁ ἀνὴρ, καὶ τὴν μεταβολὴν τοῦ πολιτεύματος εἰς τὴν ἐξ ἀρχῆς ἀσθενέστερον τὴν προθυμίαν. L. 7. c. 21. p. 434, &c.

Nam præter publicas criminationes, quandam etiam privatam ac novam causam habebat, ob quam plebeios meritis odisse videbatur, illam videlicet injuriam recens acceptam. Proximus enim comitiis illi consulatum petenti, et patricios suffragantes habenti, plebs adversata magistratum illum dari non est passa, quod illius viri claritatem et audaciam suspectam haberet, ne forte propterea aliquid rerum novarum moliretur, et tribunitiam potestatem everteret; præcipue vero quod timeret patriciorum multitudinem, quæ nulli candidato tanta animi auctoritate atque favore, quanta erga ipsam tunc demonstrarat. Ille igitur ob hanc contumeliam in petiti-
onem mutationis reipublicæ formam in pristinum statum restituere cupiens, &c.

† Dionysius [et alii] ὡς ἐν τῷ λόγῳ ἐστὶν ἔσαν τὸ τὴν πόλιν ἀπὸ τοῦ ἀνδρός, ὡς αὐτὸς ἐκείνους ἔλεγε καὶ ἄλλοι.

Consequenter [tribuni] totam reipublicam potentiam in suffragia positam esse, quæ inde obtinebant, quod numero nos vincant. D. Hal. put these words into the mouth of Coriolanus. L. 7. p. 33. p. 436.

Year of
ROMAN
282.
Y. of R.
304.
Y. of R.
263.
Y. of R.
278.
Y. of R.
279.
Elem.
&c.
p. 201.

which the commons carried against the nobles, in the early days of the republic, were carried in comitia by centuries: as particularly, the law for electing the tribunes in comitia tributa. And the *lex Horatia*, which gave the *plebiscita*, made in comitia tributa, the force of laws binding the whole Roman people.

And doubtless it was in comitia centuriata that Coriolanus (in his absence) and Menenius (after trial) were condemned, and Servilius (after trial) acquitted.

That learned writer tells us [as we see above], that "*capital crimes were cognizable in the comitia centuriata only: in the other (the tributa), the punishments never extended beyond fine and banishment.*" Yet, according to Dionysius, the comitia tributa, in the first years after their introduction, were employed in nothing, that appears, but trying *capital causes*. For, though Coriolanus was only banished, the historian intimates,* that it was not for want of power in the assembly, or want of inclination in the tribunes, to take away his life, but because these magistrates feared that the people would acquit him rather than come into a sentence of death against him. (And to this may be added, that perpetual banishment was a capital punishment.)

And so likewise, by the Greek historian's account, both Menenius and Servilius were, in comitia tributa, tried for their lives: though one was only fined, and the other acquitted. And Livy says expressly, that Menenius was tried for his life,† and condemned, though the sentence was afterward changed to a fine.

Now, if Livy's report be true, we must agree, either that Menenius was not tried in comitia tributa, as Dionysius pretends; or that those comitia took cognizance of a capital crimes, which is generally denied.

But that the reader may the better judge what dependance is to be had on the authority of the Greek historian, with regard to the point in question, I shall give a short summary of his account of Coriolanus's affair, as far as it concerns comitia by tribes.

Vid.
supr.
p. 197.

The thought of trying Coriolanus in comitia tributa is first started by Brutus (now ædile), in a private conference between him and the tribune Sicinnius; and we may suppose the intention of proceeding in that method to be, for some time, a secret known only to the tribunes and ædiles.

D. Hal.
l. 7.
p. 451.

But this secret is seemingly betrayed by Decius, one of the tribunes, chosen by the rest to be their speaker, in their conference with the senate. The tribunes had, in a private meeting with the consuls, yielded so far to their pressing instances, as to consent to ask a senatus-consultum, authorizing the people to bring Coriolanus into judgment before them. Decius's task, therefore, is to convince the fathers of the reasonableness of what is demanded. In the close of his argumentation, he is made to speak of "summoning the accused to a just and legal trial, where the whole people, divided by tribes, may give their votes, after being sworn."‡

Not to dwell on the legal trial, authorized by neither law nor custom, the secret, I say, seems to be betrayed by Decius: but that it was only whispered or muttered to himself, and not really discovered, is plain:

1. First, because, in the debate, no notice is taken of it, though a much more material point than what they dispute about.

2. Because the arguments, used on both sides, necessarily imply, that the trial of the accused before the people, which the tribunes demanded, could mean nothing but a trial in comitia by centuries.

For with what propriety could Decius plead the law of Valerius Poplicola: for

D. Hal.
l. 7.
p. 469.

* ἀντίδικον εἰ δικάσονται τὴν ἑξῆς ταῖς φυλαῖς, τίμημα ἐπιγράψαντες τῷ ἀπὸ φόβου δίδου, κατὰ τὴν εἰρήν, τοῦ μὴ ἐν ἀλλοτρίῳ εἶναι δίκην, θανάτου αὐτῷ τιμωραντες.

Tribuni licet exilio perpetuo destituerant, ei tribus in suffragia miserant, quia (ut exilium) verebantur ne id absolveretur, si cum morte mulctandum proposuissent, et in multis temperaverunt tribuni: quibus capitis acquisissent, duo milia viris damno destitutum ostenderunt. Liv. l. 2. c. 52.

‡ ὁ δὲ δίκην αὐτῷ ἐπὶ καὶ νόμον προκαλούμενοι, παρὶ τῷ δίκῃ καὶ πλοῦσι παροτρύνοντες αὐτὴν φυλὰς, ἵνα ἐκὼν τὴν δίκην. Lib. 7. c. 45. p. 451.

appeals to the people, if by the people was to be understood an assembly of the people by tribes? Poplicola's law could regard such assemblies of the people only as were, at that time, constitutional and in use; at which time neither comitia tributa, nor even tribunes, had ever been heard of.

And when Valerius (brother of Poplicola) makes himself advocate for the popular cause, and is represented reasoning thus:—"As the people create the supreme annual magistrates, enact laws, abrogate laws, decree peace and war (and these are the most important affairs of the republic)—why not suffer them also to be judges in criminal causes, and especially, when a citizen is accused of aiming at the destruction of the public liberty?" What sense or truth is there in this discourse, if Valerius, by the people, did not mean the people in comitia by centuries? For to these assemblies, and to these only, belonged the prerogatives which he mentions. P. 468.

And when Appius Claudius challenges Decius to name an instance, since the Valerian law was enacted, of a patrician brought into judgment before the people: how extremely foolish would this challenge have been, if by the people he had meant comitia tributa, a tribunal which hitherto had not existed? P. 467.

3. Because, by the peculiar privilege of comitia tributa, the senatus-consultum, which the tribunes with so much ardour solicit for, was not necessary to the holding an assembly of that sort; as Dionysius himself declares, in speaking of Volero's law;* and as the learned writer observes, in what has been cited from him.

4. Because we find that the consuls and patricians were surprised and disconcerted, when on the day of trial they perceived the intention of the tribunes to make the people vote by tribes. They are represented as warmly contesting the matter with the tribunes, and yielding at last with great reluctance. And this is a clear proof, that the senatus-consultum, which the fathers had granted (and which the consuls are said to have read to the assembly just before entering on the trial), did not authorize the people to try Coriolanus in "comitia tributa a plebeio magistratu habitu." And if so, and if Dionysius is to be credited, what will follow? That a most important change in the constitution of the republic was effected, not only without a law, or a plebiscitum, but without so much as a senatus-consultum to authorize it. Is this credible? Would the consuls have dared to consent to such an innovation, without authority from the senate, at least? Or is it probable that the senate would have taken upon them to authorize it without the approbation of the established legislature, the comitia centuriata?

But in Dionysius's relation there are other particulars which destroy its credit.

1. First, his representing Coriolanus and his friends as struck dumb, quite at a loss for an answer to a charge, known by the whole assembly to be false. I mean the charge of his sharing the spoil, which he got in the territory of Antium, among his dependants and creatures only; whereas he distributed it among all his soldiers, and those soldiers were present to testify it.

2. After citing, in his fourth book, the authorities of Fabius, and Cato, and Venonius (whom he calls an author worthy of credit), in proof, that there were thirty tribes at least, in the time of K. Servius Tullius, he now speaks of twenty-one only, as voting at the trial of Coriolanus. This is not like a diligent and accurate historian; and it has puzzled the commentators. The Jesuits are fully persuaded that there were but twenty-one tribes at this time; which they think evident from the story of the trial. Sigonius is of the same opinion. But Manutius having faith in Fabius, Cato, and Venonius, and supposing Dionysius to have the same, declares for thirty-one: but then he is at a loss to guess, why only twenty-one voted at the trial, and is angry with Dionysius for not clearing up the matter. To save the historian's credit, he is willing to believe, that ten of the tribes were hindered from coming by the

Manut.
de Com.
Rom.
cap. 2.

* Τὰς μὲν πεντηκοντὰς ἰσοψηφίας ἴδου, προβουλευαμένους τῆς βουλῆς, &c.

Τὰς δὲ φυλακίας, μὴτι προβουλευμένους γνησίου, &c. Lib. 9. c. 41. p. 599.

tribunes, who suspected them of being inclined to favour the accused. M. Dacier speaks as if he were sure that this was the case. Nevertheless, from what Dionysius himself says, no such solution of the difficulty can be admitted. For he tells us expressly, that all the citizens were summoned to hear the cause.* And one of the reasons which he gives, why the tribunes would have the people vote by tribes, is, that from those comitia no citizen was excluded, and the vote of every the meanest Roman was of equal value with that of the most noble. And he adds, "That, in this, the tribunes had more reason on their side than the opponents; for that the cognizance of state-crimes belonged equally to every citizen; and that a cause, referred to the judgment of the people, ought not to be determined by a faction of the patricians." [Nor, for the same reason, by a faction of the plebeians, which it would manifestly be, if ten tribes were excluded from voting, because suspected of differing in opinion from the tribunes.]

And methinks it is time lost to seek a solution of this difficulty, unless some very zealous and able friend of the historian could find a way to make sense of what he says, after telling us, that twelve tribes voted against Coriolanus, and only nine for him. He adds, "So that if two tribes had acceded to the nine, the accused would have been absolved by the equality of votes, according to the law in that case provided." It is unlucky here, that no supposable different reading can reduce this passage to be an object of human understanding. What has been offered by some commentators in defence of the historian's singular manner of expressing himself, it would be inexcusable to repeat.

But now, to crown all, these comitia tributa, of which the historian has said so much, prove, at last, to be comitia curiata, if we may regard what he tells us (l. 9. p. 603.) in speaking of the contest about Volero's bill. He represents the tribune Lætorius (or Lectorius) putting the patricians in mind of the articles of accommodation on the Mons Sacer; and then of "two laws, enacted not a great while ago, by the people; one, whereby the senate were to authorize the people to try any patrician they pleased, at their tribunal; the other, that the people's votes [at such trials] should no longer be taken in comitia centuriata, but in comitia curiata."

It is this passage, I believe (for I can observe no other of the sort), which occasions Manutius to say (cap. 2. de Com. Rom.), "Torquet me non leviter et illud in ejusdem Dionysii lib. 7. [9.] quod curiata comitia non distinguit a tributis; nam in judicio Coriolani in quo tribus suffragium tulisse, et ipse et Plutarchus tradunt, curias tamen et curiatum concionem nominat:—qua ratione curias admisceat, non intelligo, aliud enim esse populum curiatum, aliud tributum citare." &c.

Whether Manutius refers to the passage which I have cited from lib. 9. or not; it is plain that he has been teased and tormented by some inconsistencies of our historian, in relation to his comitia by tribes. And, I think, it is as plain, that Manutius was indiscreet, to let his repose be disturbed by so light a cause.

* — Προέβησαν [οἱ δῆμαρχοι] ἡμέραν ἐν ᾗ τὴν δίκην ἔμελλον ἐπιτελεῖν εἰς τὴν ἀγορὰν καὶ τοὺς πολίτας, ὡς ὑπὲρ τῶν μεγίστων διαγινωσκόμενοι. c. 58.

Diem dixerunt [tribuni] qua die finem huic iudicio imposituri erant, omnesque civis rogantur ut ad eam diem adessent, quod de rebus maximis essent cognituri.

† Διαβέβηκεν δὲ ταῦτα, τοὺς νόμους ἐπιτίθεντο, οὓς δὲ δῆμος ἐπακούσκει αὐτῶν καὶ πρὸς τοὺς νόμους ἐπὶ τῶν δικαστηρίων τῆς μεταγωγῆς, ὡς ἴδμεν ἢ βουλὰ τῶν δήμων τῶν ἑσυχῶν καὶ τῶν ἀγέρων, ὡς αὐτοὶ λέγουσιν τὴν ἀγορὰν, καὶ τὴν ὑπὲρ τῆς ἀποφασίσεως, ὡς αὐτὴ ἐν τῇ ἀγορᾷ ἐκτελεῖται, ἀλλὰ τὴν ἀγορὰν ἐνταῦθα τῶν νόμων κυρίαν. D. Hal. l. 9. p. 603. c. 46.

Hic autem commemoratis, leges ostendit quas populus non modo ante iudicium, alteram de iudicii translatione, ut scilicet senatus potestatem populo dedisset iudicandi quæqueque de patriciis vellet; alteram de suffragiis ferendis, et non amplius quæ centuriata, sed penes curiata comitia suffragia esse voluerit.

CHAP. XIV.

SECT. I. Two brave and able captains, Aquilius Tuscus and Sicinnius Sabinus, being promoted to the consulate, they recover the reputation of the Roman arms by the victories they obtain over the Volsci and Hernici. II. They are succeeded by Sp. Cassius (now a third time consul) and Proculus Virginius. Cassius concludes an alliance with the Hernici upon terms which displease the senate. III. He aspires to make himself king of Rome; and, to gain the people, proposes for the first time the Agrarian law (or the law for dividing the conquered lands among the citizens of Rome), and that the Latins and the Hernici (newly become allies of Rome, and admitted to the rights of citizenship) may share with the Romans in that distribution. IV. The opposition of the nobles to the passing of this law, with the reasons of that opposition. V. The consul Virginius and even the tribunes oppose it. VI. The artful conduct of the tribune Rabuleius to draw an advantage to the people from the dispute between the consuls. VII. Cassius, to get his law passed, brings great numbers of Latins and Hernici to Rome to vote for it. His colleague orders them to leave the city. VIII. The senate, to quiet the contention, decrees a partition of the conquered lands, but postpones the execution of their decrees till the consuls elect (Q. Fabius and Serv. Cornelius) shall have entered upon their office. IX. Cassius is arraigned before the people for treason, condemned, and executed.

266.

267.

Sp. Cassius.

Agrarian.

law.

268.

Death of Cassius.

§. I. THE Volsci soon experienced a great change in their affairs by the want of Coriolanus to command their troops. In conjunction with the Æqui they made a new incursion into the Roman territories, but the latter refusing to submit to Attius Tullius as their general, there ensued between these confederates a quarrel, that was followed by a bloody engagement, in which, says Livy, the good fortune of the Romans destroyed two hostile armies. The consuls had notice of this event, and were posted but four miles from the field of battle, yet their cowardice was such, that they made no advantage of the accident, but marched back to Rome, where they were received by the people with hootings and reproaches.

Plut. p. 233.

B. 2. c. 40.

D. Hal. l. 8. p. 531.

Sensible of the disadvantage of wanting skilful and courageous captains at their head, the Romans chose two consuls for the next year, of known bravery and ability in war, Aquilius Tuscus and Sicinnius Sabinus: Aquilius gained a victory over the Hernici: and the Volsci were totally routed by Sicinnius; their general Attius Tullus being slain in the battle.

Year of ROME 266. B.C. 486.

Twenty-third consulship. D. Hal. l. 8. p. 532. 534.

* Livy says, that in the war with the Volsci there was no advantage gained on either side, "cum Volscis æquo Marte discessum est."

Year of
ROME
507.

B. C. 488.

Twenty-
fourth
consul-
ship.
P. 536.

§. II. To these consuls succeeded Spurius Cassius (who had been twice before in the same station, and had obtained a triumph) and Proculus Virginus, a man of approved courage. It fell to Virginus's lot to make war with the Æqui; but these, not being prepared for fighting, retired with their effects into their towns; so that the consul (who probably was not in a condition to undertake sieges) when he had awhile ravaged the open country returned with his army to Rome.

Cassius marched against the Volsci and Hernici, both which nations took the same measures as the Æqui, to avoid a battle: but growing impatient of the devastations made on their lands by the consul, they successively sent ambassadors to him to ask peace. The Volsci were the first suitors. Dionysius tells us, that Cassius readily granted their request on their paying a certain sum of money, and furnishing his soldiers with such clothes and provisions as they stood in need of.

And he adds, that laying aside the presumptuous thought of being on a foot of equality with the Roman republic, they, by the treaty of peace, agreed to become her subjects.^b

The Hernici, thus abandoned by their allies, sued to the consul not only for peace, but an alliance with Rome, offering to submit to such just and reasonable conditions as he should prescribe. Cassius, after exacting a month's pay for his troops and some provisions, referred the ambassadors to the senate for the treaty of peace. The senate decreed to admit the Hernici into the friendship of the Roman people, but left it absolutely to the consul to adjust the conditions.

The treaty made by Cassius with these neighbours was,^c *mutatis mutandis*, a transcript of that concluded in

^b This has not the least degree of probability, as will hereafter be shown; it is more likely that the Volsci disdained an alliance with the Romans; unless by the Volsci the historian means only two cantons of them which had formerly been in alliance with the republic.

^c The record of this treaty seems to have been preserved to the time of Augustus. See Livy, (b. 2. c. 38.) speaking of the bravery of Coriolanus in the war against the Volsci, the same year that this treaty was made with the Latins, says, that the glory

his second consulship with the Latins, which, that the reader may better understand the passage of the history we are upon, it may be proper here to insert.

Year of
ROME
257.
B.C. 485.

“Let there be peace between the Romans and all the Latin states, while heaven and earth endure. They shall neither make war themselves, nor raise foreign enemies against each other, nor shall either of the contracting parties suffer such enemies to pass through their territories to attack the other. Each shall with all its forces defend the other when attacked from abroad; and when a war is carried on at their joint expense, they shall equally share the spoils of the enemy between them. All disputes about private contracts shall be judged and decided in ten days, in the courts of that nation, where the contracts shall have been made. No thing shall be added to, or rescinded from this treaty but with the consent of all the Romans and all the Latins.”

Twenty-
fourth
consul
ship.

Though a treaty in this form did not import an admission of the people with whom such treaty was made to the right of Roman citizenship; yet, that by some act this right was granted to the Latins and Hernici, we learn from Dionysius; but it ought to be observed, that the *jus civitatis* was little more than an honorary title, except to those who removed to Rome, settled there, and conformed to the laws and religion of the Romans. Such only had the right of suffrage and the other substantial privileges of the proper citizens.

Cassius, at his return to Rome, demanded a triumph; and though he had no spoils nor prisoners of war to adorn it, had taken no town by assault, nor had fought

of the consul Cominius, who commanded in this war, was so much eclipsed by the gallant behaviour of Coriolanus, that if the treaty concluded with the Latins by Sp. Cassius, in the absence of his colleague, and engraven on a pillar of brass, had not been a lasting proof that Cominius conducted the war against the Volsci, his share in that expedition would have been totally forgotten.

As to the treaty of friendship and alliance now made with the Hernici, (according to D. Hal.) in the third consulship of Cassius, Livy says nothing of it, but tells us that Cassius took from the Hernici two thirds of their lands, and that it was afterward objected to Cassius as a crime, that he had left them one third, when he might have taken all, which is totally incredible, the Hernici, according to his own account, not being reduced to that degree of subjection till 190 years after this time.

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any pitched battle, his demand was readily granted by the senate; who nevertheless, Dionysius would have us believe, inwardly accused him of arrogance for making the request. And the same historian represents the most ancient and most considerable of the fathers, as suspecting the consul of some mischievous design when they learnt from him, that by his treaty with the Hernici he had put them upon the same foot with the Latins, though they had not the same title to the favour of the republic. Yet it seems, what piqued them most was his pride, in that, after the senate, declining to settle the conditions of the treaty themselves (as he desired they would do), had referred that matter wholly to him, he did not shew the senate like respect, by a second application to them, but finished the affair without their farther participation. But all these objections to the conduct of Cassius, if they were ever made before Dionysius made them, seem to have had no place at the time. The Greek historian having resolved to adopt the improbable and ill-supported tale of Cassius's aspiring to be king of Rome, prepares his reader to give credit to it, by previously blasting the consul's character with a charge of inordinate pride and ambition discovered in the instances above-mentioned. But, to proceed in our story (which, in substance, is thus related by Dionysius):

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§. III. THE very next day after his triumph, Cassius, according to custom, convened the people to give them an account of his conduct in the war; and on this occasion he enumerated the services he had done the republic in his former consulships. He reminded the assembly that during his first he had in battle vanquished the Sabines, those rivals of Rome for empire, and reduced them to become her subjects; that in his second he had happily quieted the seditions at Rome, and had found means to prevail with those of the citizens who in anger had made a secession, to return contented to their native city; and in the same magistracy had brought the La-

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tins, who though allied by blood to the Roman people, were ever jealous of their glory and power, to a firm and sincere union with them: that in this, his third consulship, he had forced the Volsci to peace, and had engaged the Hernici, a great and powerful nation, near neighbours of Rome, and in a condition to do her great hurt and great good, to give themselves, as it were, entirely to her. He assured them, that no man had the interest of the republic so much at heart as he had, and should always have; and concluding with promising, that by the many and great benefits he would in a very short time procure to the Roman people, he would surpass all those patriots who had been extolled for their popular inclinations and zeal; and with this promise, unexplained, he dismissed the assembly.

The following day having convened the conscript fathers, whom his harangue to the multitude had filled with an anxious impatience to know whereto it tended, he at once declared to them his project. He said, that, as not only the liberty of Rome, but the empire she had acquired over other states, was chiefly owing to the bravery of the plebeians, he thought they well deserved that some regard should be had to their interests; and that it was but just that all the conquered lands, of which the most audacious and shameless of the patricians had illegally got possession,^d should be divided among those plebeians, of whose victories they were the fruit. It was then, says Livy, that the Agrarian law was proposed for the first time.

Cassius added farther, that to him it likewise appeared no more than equitable, that the poor citizens of Rome should be reimbursed whatever money they had paid for the corn,^e which Gelo, the Sicilian king, had made

Livy,
b. 2.
c. 41.
D. Hal.
b. 2.
p. 538.

^d See book 2, chap. 4, where the avarice and injustice of the nobles, in relation to the public lands, are fully described.

^e Livy mentions this proposal as made by Cassius, not at this time, but afterward, to recover the affections of the people, when they began to entertain a suspicion of his aiming at the tyranny.

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a present of to the republic, and which ought to have been distributed gratis to the people.

§. IV. WHILE the consul was speaking, a confused noise arose in the assembly, all the senators exclaiming at once against these proposals; and as soon as he had ended, his colleague Virginius, rising up, loudly accused him of purposing to kindle sedition in the republic; an accusation in which he was supported by the oldest and most considerable of the fathers; and especially by Ap-pius Claudius. The city was presently divided into two factions, each with a consul at its head. In the frequent assemblies that were held of the people, Cassius had for some time a very great majority; but at length, the tribunes taking part with Virginius, the numbers on both sides came nearer to an equality. These plebeian magistrates, though they plainly saw how advantageous it would be to the commons to pass the law in question, were yet very unwilling that they should be obliged for it to a patrician; and Cassius himself, by one part of his project, furnished the tribunes with a plausible pre-text for opposition. Dionysius is of opinion, that had his law imported no more than that the lands should be divided among the native Romans only, he would probably have succeeded in his enterprise; but that to se-cure to himself creatures and adherents abroad as well as at home, for promoting the views of his ambition (this is the construction put upon it by the historian), he was for admitting the Latins and Hernici, lately made citizens of Rome, to a share in the distribution; and that, to make the Roman people relish this part of his scheme, he insinuated to them, that it would be a means more effectually to secure them in the possession of their portion of the lands; for that those two nations being united with them in one common interest, would be a support to them in case of any after-attempt to dispossess them; and though their estates would not then be so considerable, yet it was better to have smaller

estates with secure possession, than greater with uncertainty of holding them.

It was this article in favour of the Latins and Hernici which the tribunes laid hold of, to defeat the whole design of Cassius, or rather to get the management of the affair out of his hands.

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§. V. ONE day when he and Virginius were disputing before the people, Rabuleius, an artful tribune, stepping forth, told the assembly he had something to offer which he believed would put an end to the contest. Silence being presently made, he thus addressed himself to the two consuls: "The law in question, does it not consist of these two articles, a distribution of the public lands in favour of the Roman citizens, and the admission of the Latins and Hernici to share with them in that distribution?" The consuls answered in the affirmative. "And you, Cassius (continued the tribune), are for having the people confirm both these articles, is not this your desire?"—"It is," said Cassius. Rabuleius then asked Virginius whether he had any objection to the first article. Virginius answered that he had not, and that he only opposed the second. Hereupon the tribune turning to the people, "You see (said he) that our consuls are agreed as to the main point, which concerns your interests; let us be content with this, and leave the other article to be considered hereafter."

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§. VI. THE assembly highly applauded this motion, so that Cassius, not knowing what to say, and being quite ashamed of his ill success, dismissed the assembly. He went home, and pretending sickness, stirred no more abroad for some days. He spent his time in contriving new expedients to compass his point. Finding that his party grew daily weaker, he, in order to strengthen it, sent privately for a great number of Latins and Hernici to come and give their suffrages for the ratification of the law proposed in their favour. Crowds of those new citizens immediately flocked to

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Rome; which Virginius observing, published an edict, commanding all persons who were not settled inhabitants, to depart from the city without delay. Cassius opposed this edict by another, which required all persons who were enrolled citizens, to remain in Rome till the question of the law was decided.

§. VII. THE senate apprehensive lest the competition between the two factions should grow into a civil war (and doubtless perceiving that the opposition of the tribunes to Cassius's proposal was not from any dislike to it, but from their jealousy of his popularity), assembled extraordinarily to consult measures, both to quiet the present contention, and to prevent any future attempts of the tribunes to obtain a division of the public lands among the people.

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Appius Claudius, who was the first called upon to give his opinion, declared himself loudly against the partition proposed. He said, that if the plebeians were suffered to live in idleness at the expense of the state, they would become not only useless but burdensome to it: that the state would in a short time have neither land nor money; that it would be shameful for the patricians, after having accused Cassius of male-administration, and of endeavouring to corrupt the people by a pernicious proposal, to give a sanction to that proposal by their consenting to it, as to a thing just and beneficial to the republic; and he begged them to consider, that should they grant the distribution demanded, the people would not hold themselves obliged to the senate, but to Cassius only, who would seem to have forced the senate to such compliance: and he then moved, that some of the most considerable members of the house might be appointed commissioners, to take an exact account of such lands as belonged to the public; and that whatever part of them should be found to have been usurped by private persons, either by force or fraud, should be instantly resumed: that when the commissioners had measured

these lands, and marked them by proper boundaries, one part of them should be sold, and especially those lands about which there was any contest between private men, that the purchasers might have an unquestionable title to produce against whoever should thereafter lay claim to them: that of the remainder of those lands, leases should be granted for five years, and the rents employed in providing corn and pay for the soldiers in time of war. He added, "It is no wonder, indeed, if the plebeians had rather the public lands should be divided among all the citizens, than possessed by a few, and these the most impudent of men. But the regulation which I have now proposed, will hinder the people from thinking any more of the partition proposed by Cassius; for they will undoubtedly find it more eligible to receive corn and pay from the public, during the campaign, than to have the property of a slip of land, which they must cultivate with the sweat of their brow, subject at the same time to pay taxes out of the produce of it, for the support of the war."

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Aulus Sempronius Atratinus, who spoke next, highly applauded what Appius had said; adding, however, that the worthy senator had omitted some things which seemed very proper to be considered. "I perceive (said Sempronius) he thinks as I do, that the Latins and Hernici have no just pretence to a share in those lands which Rome had conquered before her alliance with them; and that each nation has an exclusive right to dispose of its own proper territory and conquests: but when this reasonable answer is given to the demand of those new citizens, it should, in my opinion, be at the same time signified to them, that they should have their just portion of whatever lands shall be hereafter conquered by our joint forces. The appointment of commissioners to take account of the public lands, and fix their boundaries, I much approve; and I doubt not but the plebeians, when they shall see the revenue of

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those lands applied to the necessities of the state, will become more quiet and tractable. Yet I think there is one thing more which ought to be put into our decree, in order perfectly to conciliate the people to us. You remember, that when the consul Virginius was asked by Rabuleius the tribune, whether he had any objection to a division of the public lands among our native citizens, he answered, 'No ; that his sole objection to the proposed law, was the admission of the allies to a share in the distribution.' And you know that it was this answer which drew the tribunes over entirely to our side, and brought the people to a temper of more moderation. How then can it suit with the honour and prudence of the senate wholly to recede from that concession ? Must we not suppose that the people will be much more enraged by our breach of promise, than they would have been by a flat refusal at first of their request ? My opinion, therefore, is, that it should be given in charge to the persons whom you shall appoint to survey the lands, to examine what portion of them it may be proper to lease out for the uses of the public, and what portion it may be advisable to distribute among the plebeians. When the commissioners have made their report, you yourselves will judge, whether the lands allotted to the people shall be divided among all the plebeians, or only among those who have at present no land, or very little. But with regard to these several regulations, as the magistracy of the present consuls is near expiring, I think they should all be referred to the care of their successors, to act therein as they shall judge best for the good of the state. An affair of this importance is not to be adjusted in a short time. Our present consuls, being at variance, cannot be supposed so proper judges of what is fit to be done, as those who shall come after them will be, provided (according to our hope) they live in concord.

I might add, that, in many affairs, procrastination

is beneficial, far from* being dangerous: a single day may produce notable changes: nothing is more conducive to the welfare of a state than a good understanding between its magistrates. You have my advice: if any one has a better to offer, let him speak."

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The senate unanimously approving these amendments to Appius's motion, a decree was drawn up to this effect: "That ten of the oldest consulars should be named to measure the lands, and determine what part of them should be let to farm, and what part should be distributed among the people: that with regard to the allies and the new citizens, if any future acquisition of land should be made in a war, where they served in conjunction with the forces of the republic, they should have their just proportion, according to the terms of the treaties concluded with them; and that the consuls, who should be chosen at the next elections, should name the ten commissioners, be charged with the care of distributing the lands, and make all the other necessary regulations."

It is pretty evident from this *senatus-consultum*, as well as from the close of Sempronius's speech, that the senators had not the least intention to do any thing in favour of the people, with regard to the lands in question. It served however to still for the present the clamours of the poor, and put a stop to any farther proceedings for passing Cassius's proposal into a law.

§. VIII. AND no sooner had Quintus Fabius and Servius Cornelius, the consuls for the new year, entered upon their magistracy, than Cæso Fabius (brother of Quintus) and L. Valerius (nephew of the famous Poplicola), two very young men, but both at that time *quæstors*, brought an accusation of high crimes and misdemeanours, and even of high-treason, against Cassius, before an assembly of the people.

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The first article of their charge was, That in his second consulship, he had granted to the Latins, not

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only the right of citizenship, which was enough in reason, and what would have been sufficient to content them; but a third part of the booty which should be taken in any war, where their forces acted in conjunction with those of the republic.

2. That whereas it would have been a sufficient indulgence to the Hernici, subdued by the Roman arms, to take no part of their lands from them, he had chosen to put them upon the foot of friends rather than subjects, citizens rather than tributaries; and these two were to have a third of the spoils and land acquired in any military expedition: so that if the Romans should be desirous to reward the services of any other of their neighbours as honourably as they did those of the Latins and Hernici, they could not possibly do it, without relinquishing to them their own third, reserving nothing for themselves.

P. 545. 3. That, when he had formed a scheme for disposing of the public lands, without the consent of the senate or his colleague, he attempted by force to get his Agrarian law passed; a law mischievous and unjust in a double respect: for, whereas it should have been preceded by a *senatus-consultum*, so that the largess (if the senate approved it) might have been the common act of all the fathers, he had made it the act of his sole bounty; and (which was worst of all) his law itself, by which he pretended to divide gratis the public lands among the citizens, would in reality deprive the Romans of their acquisitions to give them to strangers; who, though they had no title to any part of them, were to have two thirds.

4. That when the tribunes would have rescinded this article, he was as deaf to their remonstrances, as he had been to the advice of his colleague, the senate, and all the best citizens of Rome.

The questors having appealed to the knowledge of the assembly for the truth of these allegations, pro-

ceeded next to their proofs of his secretly aspiring to the tyranny.

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They set forth, that the Latins and Hernici had furnished him with money, and prepared arms; and that the most audacious of their youth, flocking to Rome, had put themselves into his train; assisted at his dark councils; and been his instruments and agents in many particulars.

These things being proved by the testimony of a great number not only of Roman citizens, but of men well born and of fair characters from the cities of the allies; and the people being fully convinced that Cassius was guilty, they had no regard to any thing he said in his elaborate defence. In vain did his three sons, with his other relations and friends, by the most humble supplications, intercede with the assembly in his behalf: nor had the remembrance of his noble exploits, for which he had been justly raised to the highest dignities, any effect to procure his pardon. P. 545.

Nay, such a hatred they had to the very name of a king, that they observed no moderation in their sentence against him, but would have his punishment capital. And to this they were likewise carried by another motive; for, as he was the ablest general of his time, they feared lest, if they only banished him, he should prove a second Coriolanus.

The quæstors, after sentence pronounced, led him away to execution. This eminent senator, who had been thrice consul, and honoured with two triumphs, was cast headlong from the top of the Tarpeian rock; and the patricians had the satisfaction of destroying by the hands of the plebeians a determined champion for the plebeian cause. P. 546.

Such is the account which Dionysius has transmitted to us of the treasonable design of Cassius, his measures to accomplish that design, the defeating of those measures by the joint powers of the senate and the tribunes;

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and the arraignment, trial, condemnation, and execution, of the delinquent, presently after the expiration of his magistracy. One would hardly expect, that after such a detail of the articles of impeachment, the accusers, the witnesses, the matter of their evidence, the irresistible force of it, the intercession of Cassius's relations in his favour, and the manner of his execution, the historian should at last leave his reader at liberty to reject the whole of this detail as a mere fiction. Yet this he does. He informs us, that according to some authors, to whom many give credit, and who were worthy of it, Cassius was neither tried by the people, nor executed by their order: that nobody knew any thing of his treasonable designs, till his own father, moved by a suspicion he had entertained of him, made a strict inquiry into his conduct; that the father by his industry having discovered the whole truth, repaired to the senate-house; that presently after, when the son by his command was come thither, he accused him before the senators; and that when these had condemned him, he took him to his own house, and there put him to death.'

This tradition being as well authorized as the other, and the matter of it, as our historian observes, suiting very well with the manners of the Romans in those days, he thinks it ought not to be rejected as improbable; however, he is of opinion, that the other is more credible, and he gives his reasons.

1. Cassius's house was demolished [presently after his death]; which fact the historian thinks well supported by another fact, namely, that, in his time there was no house standing in the place where Cassius's house was said to have stood 500 years before.

(Pliny (lib. 34. c. 4.) and Florus (lib. 1. c. 26.) follow the tradition of Cassius's being condemned and put to death by his own father; and Livy (lib. 2. c. 41.) speaks of it as well authorized, but thinks it more credible that he was tried and sentenced by the people. As to what Dionysius says of the father's accusing the son to the senate, the Latin historian is wholly silent, nor does he mention any particulars of the supposed trial of Cassius before the people. He seems to consider nothing as certain in this matter, but that Cassius was condemned by somebody in the consulship of Q. Fabius and S. Cornelius; that is to say, that he was then killed.

2. Cassius's goods were confiscated, and sold for the use of the public; and part of the money so raised was employed to erect statues of brass to Ceres; and these facts Dionysius believes to be true, because, by the inscriptions upon certain statues of Ceres, it appeared out of whose estate the money came that paid for them.

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Now, says our historian, if Cassius's father had been living, Cassius would have had no property. The property of the son's house and goods would have been in the father; and the people would never have confiscated the estate of the father for the crime of the son, especially if the father had been the accuser and punisher of his son.

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“For these reasons (says he) I am more inclined to adhere to the other tradition, but I have related both, that my readers may choose as they like.”

Now with my readers' leave, I shall conclude this chapter with some arguments which perhaps may induce them to think, that Cassius was neither publicly nor privately convicted of aiming at the tyranny, but was murdered by the nobles either secretly, or by a mob which they excited to do it, in revenge for his honest attempt to strip them of their usurpations. And I am the more inclined to examine this matter, because I conceive that many readers must naturally carry along with them a prejudice against the Agrarian law (so often the great subject of dispute between the two orders at Rome), if they have first been made to believe, that the original author of it contrived it as a means to raise himself to the tyranny.

And first I shall observe, that the two traditions being equally authorized, and destroying one another, we have no reason from authority alone to believe either. Nor indeed does either Dionysius or Livy seem to prefer that which they adhere to before the other, on any account but the greater credibility of the fact.

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B. 2.
c. 41.
* Ex
Cassia
familia
datum.

And it unluckily happens, that the only reasons which Dionysius produces for thinking the public trial more credible than the private one, are mentioned by Livy as arguments used in favour of the private trial, by those who adopt this tradition : for the demolition of Cassius's house, the sale of his goods, and the employing part of the money to erect a statue or statues to Ceres, are common to both traditions : and those who believe Cassius to have been privately put to death by his own father, cite the inscription on a statue of Ceres as a proof, that it was the father himself who demolished his son's house, consecrated his goods to Ceres, and applied a part of the money to erect a statue to that goddess : for, as Livy informs us, the inscription was this,* given by the Cassian family. And indeed a statue with such an inscription seems much less absurdly employed to prove that the father gave the statue, than that the Cassian family was plundered by the people of the money which paid for it.

It is remarkable that Dionysius avoids telling us expressly what the inscription was, and only says, that it shewed plainly at whose expense the statue was erected.

But as to this statue, or these statues of Ceres, most ridiculously referred to by both sides, as proofs of what they contend for, there is a very easy way of accounting for the inscriptions upon them ; and it is amazing that it should never come into the mind of Dionysius, that the family of Cassius might probably give these statues in his second consulship, when he performed the ceremony of dedicating the temple of Ceres, Bacchus, and Proserpine, which the dictator Posthumius had vowed, during the Latin war ; for that Cassius had this honour, is related by the Greek historian himself in his sixth book.

D. Hal.
p. 415.

We see then, that the very demolition of Cassius's house, and the sale of his goods, in consequence of his being convicted of treason, are facts wholly destitute of proof : for I presume that neither the void piece of ground, nor the inscriptions on the statues of Ceres

(the only vouchers produced), afford even the smallest degree of evidence.

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• Some we now to the probability of the trial and condemnation of Cassius by the people, as represented by Dionysius. And, on this occasion, I cannot forbear saying, that the Greek historian seems to delight in public trials, as giving him an opportunity to make speeches for the parties concerned, and to furnish evidence in the cause. He has related at large the trial of Coriolanus, described his behaviour in the assembly of the tribes, and given us the discourse he made in his defence, as things certain: yet Livy (as has been before observed in the end of chap. 13.) without any hesitation asserts, that Coriolanus did not appear upon the summons from the tribunes, and was condemned in his absence for default. And certainly this seems more probable than that he should speak and act so much out of character, as he is represented to do by Dionysius: and the whole trial, as he has given it, is but a very lame story. Nor has he discovered any great skill in forming articles of impeachment against Cassius.

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If there be nothing to engage us to believe the facts of his public trial and condemnation but the probability of them; and if these facts be no more probable, than that the charge, brought against him by the quæstors, consisted of the article mentioned by Dionysius; the whole is doubtless, a mere invention to blacken the author of the Agrarian law. For,

1. The first article of the impeachment is, that in the treaty concluded with the Latins in his second consulship, he had been too favourable to them, in granting them, besides the right of citizenship, a third of the spoils that should be taken in any war made by the joint forces of the two states. Now, whatever fault was committed in making this treaty, the senate were as guilty of it as he; for the treaty was not made by Cassius alone, but by him and the senate together. He was detained

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at Rome by the senate, purposely* to be their minister for negotiating the alliance, which, at that time, they were very willing to make with the Latins, who had lately obliged them by many extraordinary services and marks of affection, as we learn not only from Livy, but from Dionysius himself.

Nor in the treaty is there any mention of a third of the spoils. The Latins were to have an equal share. Their share did not come to be only a third, till after the treaty of Rome with the Hernici ; and then only in case of a war carried on by the united armies of the three nations.

2. And this shews the impertinence of the argumentation which Dionysius puts into the mouths of the quæstors under the second article, which regards the Hernici, concerning the future inability of the republic to reward the services of any new friends. For it is evident from the tenor of the two treaties with the Latins and Hernici, that in all wars in which Rome was aided by her allies, were they more or fewer, the practice then was, that each should have their share of the booty in proportion to the number of troops they furnished for the campaign.

And whereas the quæstors are represented speaking of the Hernici as of a people subdued, it appears by their overtures to the consul, as well as by the long wars they afterward maintained against the republic, that this was far from being their case. What they proposed to Cassius, were peace and an alliance with Rome upon just and reasonable conditions.

Nor is there the least reason to believe that Cassius, who would enter into no treaty of peace or alliance with them, of his own authority, but referred them to the senate, did, presently after, in virtue of his full powers, grant them the conditions complained of, without the privity and approbation of the senate. Add to this, that the treaty was in reality a very advantageous one

for Rome, and by which the senate thought fit to abide. So that this second article is as ill-contrived as the first.

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3. The third article, which accuses Cassius of originally designing to exclude the other magistrates and the senate from any share in the glory of conferring a benefit on the people, is invented with no more wit than the foregoing. For, by the Greek historian's own account, the consul, before he mentioned the matter to the people, moved it in the senate: so that if the senate and the magistrates would have concurred with him, they might have had their share in that glory.

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And it was surely a very ill-judged accusation to bring against Cassius before the people, that he had dared to propose, in their favour, a law which the nobles had not approved.

And as to his designing to give, by his Agrarian law, two-thirds of the public lands to the new citizens, it is a senseless charge, unless we can suppose that those of the Latins and Hernici who came to settle at Rome were twice the number of the old citizens.

4. And if it were true, that Cassius, against the remonstrances of the senate and the tribunes, was steady in insisting, that the new citizens should have a share in the division of the public lands; he, in this, did but follow the constant policy and practice of Rome from the foundation of the state; and to exclude those new citizens from a share of the public lands, in case of a distribution, would in effect have been a violation of the treaty of alliance.

Concerning the secret machinations of Cassius to attain to the royalty, the reader sees, that from the facts pretended to be proved, supposing them true, it will not follow that the Latins, the Hernici, and the Roman plebeians, desired a king, or that the consul aspired to make himself a king; and the historian himself seems to think the evidence of the treason defective, when he

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ROME
268.
B. C. 484.

Twenty-
fifth con-
sulship.

represents the people as immoderately severe in sentencing Cassius to death.

But, is it not surprising, that Dionysius, or those from whom he took his accounts, should be so well informed of the crimes whereof Cassius was accused, at his supposed trial, and yet know nothing, or wholly suppress what they knew of his elaborate defence? The total silence of the ancient writers upon this head, when, from what has been observed concerning the weakness of the pretended charge, it is plain that Cassius had much to say, and much to the purpose, furnishes an additional argument to those that have been offered, for believing that the whole process is a mere invention, a legend, a fable (composed by some aristocratical writer), of which the moral intended to be inculcated on the Roman readers is obvious.

As to the other tradition, of Cassius's treason being discovered by his own father, when nobody else suspected any thing of the matter, and his being executed privately by his father at home, we have already observed that, in the time of Dionysius and Livy, it was a tale which (like that of the public trial) wanted the necessary support from history or monuments, to give it a claim to credit: but as neither the Greek nor the Latin historian has mentioned any particulars of the discovery said to be made by the father of his son's treasonable practices, we cannot, as in the other case, draw arguments from the pretended process itself to disprove its reality. However, I shall finish this digression with offering some reasons, why, supposing Cassius to have been formerly accused before the people, or before his father, of the treason in question (which there is no ground to believe he was), it is utterly incredible that he was guilty.

The character of Cassius may, alone, suffice for his defence against all that is mentioned by Dionysius, as given in proof of the charge. Till he proposed his Agri-

rian law, he was more esteemed and honoured in Rome than any other citizen. This is said by Dionysius himself; and if he had not said it, the history of Cassius, from the time that we see him first on the stage of public life, to the day that he proposed his new law, would have evinced the superior worth and reputation of the man. Passing over his abilities, as a general, displayed in his first consulship in the year 251, let us only consider the opinion which the public and the wisest men had of him as a citizen. In 255, that critical conjuncture, when the Romans, by the distress of their affairs, were constrained, for the first time, to have recourse to the dangerous expedient of a dictator, and had named Lartius, one of the then consuls, to that sovereign power, on account of his known prudence and moderation, Lartius appointed Cassius to be his general of the horse, the second dignity in the republic.

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R O M E
255.
B. C. 484.
Twenty-
fifth con-
sulship.

At the time of the secession, when every body declined the office of consul, the senate constrained Cassius to accept it, because he was highly and equally esteemed by the nobles and the plebeians, and therefore well qualified to manage the business of a reconciliation; a sure mark that he had not behaved himself as a party man, or a proud man.

And though he had been a favourer of the plebeians with regard to their demand of tribunes and other securities from oppression, yet we find that this did not hinder his promotion to a third consulship by the centuries, where the patricians had the chief influence. And the senate's referring wholly to his prudence the conditions of peace and friendship with the Hernici (which, by the way, shews the unlikelihood of his having conducted himself unworthily, or to the dissatisfaction of the senate, in the treaty he before made with the Latins), and their decreeing him a triumph for his success in a war wherein he had obtained no bloody victory (supposing these facts, related by Dionysius, to be true), are cogent

Year of
ROME
268.
B. C. 484.

Twenty-
fifth con-
sulship.

proofs of the great esteem and favour in which he stood with them to the very day of his proposing the Agrarian law.

There is very good reason therefore to believe that this proposal was the only treason that Cassius was guilty of.

And it is quite unimaginable, that he should make this proposal with a view to the royalty. Could Cassius be ignorant of the temper of the Roman people? Could a man of sense ever hope to become a king by the means of those men, who needed but to be made believe, that his ambition looked that way, instantly, unanimously, and without mercy, to destroy him? For such was the temper of the Romans, as Dionysius himself sets forth on the present occasion.⁵

Nor indeed does it appear that any one Roman ever aimed at being (under any name or title whatsoever) sovereign and perpetual lord over his fellow-citizens, before the times of Marius and Sylla, when luxury, avarice, and corruption, having got the ascendant in Rome, opened the way for inordinate ambition to execute the most detestable schemes against the public liberty.

⁵ For the same reason, we may well reject what Livy reports (b. 4. c. 13.) of the plots formed by Mælius the Roman knight, in the year 313, and afterward by Manlius (who saved the capitol), to raise themselves to the tyranny. (B. 6. c. 14. et seq.) These imputations seem to have been invented merely to destroy two men, who by their compassion for the poor and their great liberality to them, had made themselves more popular than perhaps wise politicians thought it convenient that any man should be in a free state. It is not pretended that Mælius was tried and convicted. A dictator was created on purpose to destroy him by a stroke of power. The plenty of corn which he had provided, and with which he fed the hungry citizens gratis, during a famine, was a reproach on the fathers, and on Minucius their superintendent of provisions, for neglect of duty; and, by cutting him off as a traitor, they made to themselves a pretext for seizing his stores, and thereby shunning the trouble and expense of purchasing corn from abroad. And the people were so little persuaded of Mælius's treason, that they afterward banished Abala, the dictator's general of the horse, as guilty of murder in slaying their benefactor.

As to Manlius, Livy tells us, that he could not, from any writings, satisfactorily learn who were his accomplices, nor how far his schemes went; nor could find, that, at his trial before the people, his accusers objected to him any thing that indicated a design to raise himself to the royalty, except some seditious words, his largeness, and his false charge against the senate of secreting the gold, which they had collected to redeem the capitol, when Brennus besieged it. Nay, Livy is not sure that Manlius was tried and condemned by the people. Some authors, he says, report that *dumvirs* were appointed to judge him. And perhaps neither of these accounts deserves credit. Manlius was zealous to have the debts remitted to the insolvent poor; and that was sufficient to engage the usurious patricians to contrive his murder. I conclude these observations with remarking, that the tribunes are represented as consenting and instrumental to the destruction of Cassius and Manlius, both eminent patricians; but not to that of Mælius, who was a plebeian.

CHAP. XV.

Sæcr. I. The people regret the death of Cassius. The senate find means to divert them awhile from the affair of the Agrarian law. **II.** L. Æmilius with Cæso Fabius, and M. Fabius with L. Valerius, are successively chosen consuls. In the consulship of the latter the war with the Volsci breaking out afresh, the tribune Mænius protests against any levies for the service, till something effectual be done in relation to the Agrarian law. The consuls, by a stratagem, get the better of his opposition. **III.** The senate, at the next assembly for choosing consuls, endeavour to obtain that dignity for Appius Claudius (the son of the first Appius, so often mentioned). The tribunes, to hinder it, excite such a tumult, that there is no possibility of proceeding in the election. The republic falls into an interregnum. **Sp. Latinus** being interrex, quiets the contention between the two parties. They agree to give the fasces to C. Junius and Q. Fabius, the first a creature of the tribunes, the second a man zealous for the senate. These consuls take the field against the Veientes, and for awhile all is quiet at Rome. **IV.** The next election raises new disputes. **Sp. Furius** and **Cæso Fabius** (a second time) are chosen, each party having a consul to its liking. The tribune **Icilius**, in imitation of Mænius, opposes the necessary levies for a war with the Æqui and Veientes. Appius Claudius suggests a stratagem to the senate, by which they carry their point against Icilius. The consuls take the field.

§. I. BY whatever means the destruction of Cassius was effected, certain it is, that the people very soon regretted the loss of him, and not without sufficient reason. For notwithstanding the late decree of the senate for the nomination of decemvirs, to take account of the lands belonging to the public, and make a distribution of one part of them in favour of the commons, the present consuls took no more notice of that affair than if no such decree had been passed; so that the people plainly perceived they had been cheated by the senate; and they accused the late tribunes of having concurred in the deceit, basely betraying the cause of the plebeians. The present tribunes held frequent assemblies upon this business, and earnestly pressed the conscript fathers to execute their promises. To rid the senate and themselves from these importunities at home, the consuls had recourse to the old expedient of a foreign war, and began to enlist soldiers for the service: but the poorer citizens refused to give their names to be enrolled, and the tribunes supported them in this refusal. Hereupon the consuls caused a rumour to be spread, that they were going to create a dictator, and that Appius Claudius would be the man. This dreadful report made such an

Year of
R O M E
266.
B. C. 484.
Twenty-
fifth con-
sulship.
Livy,
b. 2.
c. 42.
D. Hal.
b. 8.
p. 548.

Year of ROME 268. B. C. 481.
Twenty-fifth consulship. P. 540, et seq.
 impression upon the people, that they listed themselves without delay. Cornelius entered the country of the Veientes, and Q. Fabius marched against the Volsci. Both consuls had fortunate expeditions. Fabius, as if he meant to shew an utter contempt of the plebeians and their complaints, sold all the spoils taken from the enemy, and put the money into the hands of the quæstors, not giving the least part of it to his soldiers.

Year of ROME 269. B. C. 483.
Twenty-sixth consulship.
 §. II. THOUGH the Fabian family was at this time odious to the commons, on account of the late behaviour of the consul Quintus, and his brother Cæso, who when quæstor had been very instrumental in the destruction of Cassius, yet the senate had influence enough, at the new elections, to get that same Cæso chosen to the consulship with Lucius Æmilius, a man entirely devoted to their faction. During the year of these magistrates the attention of the public was wholly employed on the war with the Volsci of Antium, from whom Æmilius suffered a terrible defeat with great slaughter of his men. Strengthened afterward by a chosen body of troops which his colleague sent to his assistance, he gained some advantage over the enemy; but as in the former action he had lost the better part of his army, he was ashamed to return to the city at the end of the campaign; and therefore stayed in his camp till the expiration of his magistracy. Cæso, who had been employed to defend the territories of the Latins and Hernici, came to Rome and held the assembly for the new elections, where his

P. 536.
Year of ROME 270. B. C. 482.
Twenty-seventh consulship.
 younger brother M. Fabius, with Lucius Valerius (late colleague of Cæso in the quæstorship, and deeply concerned in the murder of Cassius), were raised to the consulship by the influence of the senate, who had engaged them to stand for it. The people would have named to that magistracy certain consulars who did not seek it; but the president refused to receive suffrages for any but candidates.

P. 564. The new consula having asked some recruits to sup-

ply the place of those which had been slain, the last year, in the battle against the Volsci of Antium, the senate passed a decree for it: nevertheless, the poor plebeians refused obedience, complained of the cheat put upon them in relation to the Agrarian law, and implored the protection of their tribunes against the oppression of the nobles. Four of the plebeian magistrates, either gained by the senate, or, for prudential reasons, unwilling to foment contention at home, while the state was distressed by the present war, gave no heed to the clamours of the multitude; but the fifth, named Caius Mænius, loudly protested, that he would never betray the plebeians, nor suffer the consuls to levy troops, till they had first brought the senate's decree, for the partition of the lands, into an assembly of the people, and had named commissioners for putting it in execution. The consuls, to surmount this difficulty, erected their tribunal without the city, in some field near it, where the tribune, whose power and functions were confined within the walls of Rome, could give them no opposition. From thence they summoned those of their citizens whom they judged fit for the service, to come and enlist themselves. If any plebeian so summoned refused to appear, orders were immediately given to demolish his farm-house and cut down his trees.

Year of
ROME
270.
B. C. 482.
Twenty-
seventh
consul-
ship.

This unexpected exercise of the consular power had the designed effect upon the people. They now eagerly ran and presented themselves before the consuls to receive their commands. Two armies were presently formed, one to march against the Veientes, the other against the Volsci. The consuls, diffident of the good will of their troops, agreed to act only upon the defensive; and M. Fabius, who had to do with the Veientes, observed the agreement: but Valerius came to a desperate and bloody battle with the Volsci, without much advantage to either side. The friends of Valerius at Rome gave out, that it was through want of affection in

P. 555.

Year of
ROME
270.
B.C. 482.

Twenty-
seventh
consul-
ship.
P. 556.
Livy,
b. 2.
c. 42.

the soldiers to their general, he had not gained a complete victory; the soldiers in all their letters laid the fault upon the incapacity of their leader.

In the mean time Rome was alarmed with spectres and prodigies of all sorts, and these, together with the little success of the Roman arms, were found by the pontifices to be owing to the anger of the gods, who had been served by impure hands. Opimia, an unfortunate vestal, was buried alive for incontinence, and the gods made propitious by expiatory sacrifices.

D. Hal.
b. 8.
p. 557.

§. III. WHEN, after the return of the consuls to Rome, the comitia were held for electing new magistrates, a warm contest arose between the two orders. The patricians were for placing at the helm certain brisk active young men, who were the most unpopular, and particularly they engaged Appius Claudius (the son of that Appius who was looked upon as the bitterest enemy of the people), a man bold and arrogant, and very powerful by means of his numerous friends and clients, to stand one of the candidates. On the other hand, the plebeians called out for some of the elder senators, whose probity the public had experienced, and who they believed would have no views but the welfare of the state. Each party remained obstinate in its purpose. Whenever the consuls convened the centuries for the election, the tribunes, in virtue of their prerogative, by the word *veto* dissolved the assembly; and when the tribunes called the people together for the same end (the first instance of their assuming this power), the consuls, as having the sole right to preside at the election of magistrates, withstood and hindered the proceeding. The patrician and plebeian magistrates mutually reviled each other, and being surrounded with throngs of hot-headed fellows, they grew so furious in their disputes as not to abstain from blows; nay, they seemed to be just upon the point of having recourse to arms, and beginning a civil war.

The senate, who had neither the will to yield to the people, nor the power to force them to submission, held long debates about the proper measures to be taken. Some senators declared for naming a dictator, who, vested with sovereign and absolute authority, should expel the factious from the city, and in case the consuls had taken any wrong step, correct the error; and that, having restored order in the commonwealth, he should hold the comitia, and propose the worthiest men for the magistracy: but others (fearing, perhaps, that the people in their present temper would not submit even to the dictatorial authority, but rather run into open rebellion) thought a gentler course the more advisable, namely, to create inter-kings, as was practised during the regal state upon any vacancy of the throne. The greater number of the fathers coming into this opinion, the short-lived magistracy was given to A. Sempronius Atratinus, and the powers of all the other magistrates ceased. Sp. Lartius, who succeeded Sempronius, held the comitia for the appointment of consuls. It would seem that the two parties had compromised their differences, agreed upon the men who should have the fasces, and proceeded to an election, only for form's sake; for they unanimously concurred in naming to the consular dignity C. Julius Iulus, a known favourer of the plebeians, and Q. Fabius Vibulanus, a warm partisan of the nobles. Fabius had been consul three years before, and had defrauded his soldiers of the spoil taken from the enemy;^h yet the people acquiesced in this his second promotion, through the extreme joy they had in keeping Appius Claudius out of the magistracy.

The new consuls, after surmounting some opposition, from the discontented plebeians, to the levies, marched

Year of
R O M E
270.

B. C. 482.

Twenty-
seventh
consul-
ship.

Year of
R O M E
271.

B. C. 481.

Twenty-
eighth
consul-
ship.
P. 558.

Livy,
b. 3,
c. 43.

^h Dionysius says, that Fabius had not by any act disoblged the commons in his former consulship; but in this he makes a blunder; for he himself had told us, that Fabius sold the spoils, the prisoners, every thing that he took from the Volsci, and put all the money into the hands of the quæstor, to be sent to Rome. And Livy is very express upon this part of Fabius's conduct, as what made him extremely odious to the people. B. 2. c. 42.

Year of
R O M E
271.
B. C. 461.

Twenty-
eighth
consul-
ship.

Year of
R O M E
272.
B. C. 460.

Twenty-
ninth
consul-
ship.
D. Hal.
b. 9.
p. 556.
* A se-
cond
time.
Livy,
b. 2.
c. 43.

D. Hal.
b. 9.
p. 560.

against the Veientes who had pillaged the territory of Rome : and this expedition, which terminated in making reprisals, was the sole exploit of their year.

These petty wars were the ordinary expedients used by the consuls to divert the people from their complaints, and to give them, at the enemy's cost, a subsistence that might make them forget their old claims. But this same people, by thus living almost continually in arms, became still more fierce and untractable, and the first interval of peace abroad was sure to revive discord at home.

§. IV. THE civil feuds broke out afresh at the next election of chief magistrates. After much struggling, the two parties came to an accommodation upon the same foot as the year before : each named its consul. The people chose Sp. Furius : and the senate Cæso Fabius,* the man, who, when quæstor, is said to have destroyed Cassius.

The Æqui and Veientes having renewed their incursions on the lands of the republic, the consuls summoned the people to take arms ; a tribune named Sp. Icilius warmly opposed the enrolments ; and he loudly declared that he would make the like opposition to all the decrees that should issue from the senate, let the matter of them be what it would, till the senatus-consultum, relating to the public lands, was put in execution ; that it was just the same thing to him whether the country was possessed by foreign enemies or by domestic usurpers. In the meanwhile the Veientes and Æqui continued with impunity to ravage the territory of Rome. In this perplexity, Appius Claudius represented to the fathers, that the tribunitian power was formidable only by the union of the tribunes ; that as the opposition of a single tribune, which could suspend the execution of the senate's decrees, had the same force with regard to the resolutions of his colleagues, endeavours should be used to create a division among the tribunes, and privately to engage some one of them to enter into the

senate's interest. This advice was approved and followed; the senators applied themselves to gain the friendship of Icilius's colleagues, and they succeeded with all the four. These, when they had first attempted in vain to dissuade him from pursuing the affair of the Agrarian law, interposed their *veto*; and, by their assistance, the consuls completed the levies.¹

Year of
R O M E
272.
B.C. 480.

Twenty-
ninth
consul-
ship.

CHAP. XVI.

SECT. I. The troops commanded by Cæso Fabius, not liking their general, will not suffer him to gain any honour in the campaign. II. M. Fabius (a second time) and Cn. Manlius Cincinnatus are elected to the consulate. They obtain a signal victory over the Hetrurians, chiefly by the bravery of the Fabii, who from this time became popular. III. Cæso Fabius (a third time) and T. Virginus are chosen consuls. Cæso defeats the Æqui and Veientes. IV. The Fabian family undertake alone to guard the frontiers against the Veientes. Cæso, as soon as he has resigned the fasces (to L. Æmilius and C. Servilius), joins the rest of his family in quality of proconsul, a new-invented dignity. V. The Romans carry on the war against the Æqui, Volsci, and Veientes. Æmilius, after a successful campaign against the last, is refused a triumph. He seeks to revenge himself on the senate. VI. In the succeeding consulship (of C. Horatius and T. Menenius), all Hetruria declares war against Rome. The miserable fate of the Fabii. The Hetrurian arms prevail. But the next year's consuls (A. Virginus and P. Servilius) give the enemy an entire overthrow.

Fabian
family.

Procon-
sul.

§. I. FURIUS, who conducted the war against the Æqui,* as he had the good-will of his soldiers, made a successful campaign: but the troops of Fabius, who warred against the Veientes (strengthened by great numbers of volunteers from the other Hetrurian states), chose rather to lose their own honour, than gain him any glory. After a battle, in which they behaved themselves bravely (so long as their lives were in danger), and even routed the enemy, they refused to pursue them and take their camp, lest, by making the victory complete, they should procure Fabius a triumph at his return to Rome; and, not content with this, they struck their tents the following night, and began their march towards the city. The consul, finding it impossible to govern them, put the best face he could upon the matter, sounded a retreat, and returned with them.

Year of
R O M E
272.
B.C. 480.

Twenty-
ninth
consul-
ship.

*The Ve-
ientes, ac-
cording to
Livy,
b. 2.
c. 43.
D. Hal.
b. 9. p.
560, 561.

¹ We must suppose that Icilius ceased his opposition to the levies; otherwise his colleagues betrayed the prerogative of their own office.

Year of
ROME
273.
B. C. 479.

Thirtieth
consul-
ship.
P. 562.
* A se-
cond
time.

§. II. NOTWITHSTANDING the extreme hatred which the soldiers had thus shewed to Cæso Fabius, the senators had influence enough to continue the consulship in the Fabian family. Marcus Fabius, brother of Cæso, was elected to that dignity with Cn. Manlius.* Much depended on the wisdom and unanimity of these two magistrates; for the republic was now threatened by a prodigious army of Heturians, who were encouraged to the war by the divisions in Rome, and the spirit of mutiny that had appeared among the Roman soldiers in the field.

Pontificius, one of the tribunes, would, on this occasion, have renewed the old complaint, and hindered the necessary levies: but the fathers successfully repeated the artifice of Cláudius: and forces were raised to the number of 20,000, which were equally divided between the two consuls. They both passed the Tiber, and encamped near Veii, at a small distance from each other, keeping quiet within their intrenchments. This inaction was owing to their distrust of their own soldiers, whose behaviour, the last year, was not forgotten.

P. 563. At this time happened an accident which employed the divination of the augurs who attended the consul Manlius. Lightning fell upon his tent, overturned the sacred hearth, damaged his arms, killed his war-horse, and some of his servants. Those diviners declared, that his camp would be taken by the enemy; upon which prediction he quitted it the same night, and joined his army to that of Fabius. The Heturians seized the deserted camp, and concluding that Manlius had carried ill fortune along with him, did not doubt but they should soon be masters of the other. They came confidently, therefore, and insulted the united armies in their intrenchments, calling them women and cowards, and daring them to come out and fight. Hereupon those very soldiers, who but a little before had plotted together not to fight upon any account, now gathering

in crowds about their general's tent, murmured, clamoured, and almost mutinied, because they were not instantly led to battle. Fabius laid hold of this opportunity to reproach them with their former behaviour, and to increase their ardour, by expressing a diffidence of their courage and honour. He added, "I am determined not to give the signal for battle before you have all sworn that you will return conquerors to Rome: you once deceived your general, but you will never be able to deceive the gods." He had hardly ended, when a certain plebeian named Flavoleus, now tribune of a legion, and a man in great esteem among the troops, stepping forth, "Do you suspect us, consul? Hear then the oath which I am going to take! And you, fellow-soldiers, do you follow my example!" Then, lifting up his sword, he swore by his faith (the most solemn oath then used by the Romans), that he would never return to Rome till the enemy was vanquished. Officers and soldiers, every man in the army, took the same oath; after which the generals, no longer distrusting them, gave the signal for marching, and led them out of the camp.

Year of
R O M E
273.
B. C. 479.

Thirtieth
consul-
ship.
D. Hal.
b. 9.
p. 566.
Livy,
b. 2.
c. 45.

D. Hal.
b. 9.
p. 567.

The Hetrurians did not decline a battle; it was fought with great obstinacy on both sides. Manlius, who led the right wing of the Roman army, and his colleague's brother, Quintus Fabius, who commanded the left, were both killed; nevertheless, the victory fell to the Romans. And it was chiefly owing to the signal bravery of the consul Marcus Fabius, and his brother Cæso.

Livy,
b. 2. c.
46, 47.

Marcus, at his return to Rome, declined the honours of a triumph, which had been decreed him by the senate; so deeply he was affected with the death of his brother Quintus, and his colleague Manlius. He solemnized their obsequies, made funeral orations on both, and, by giving to them the great praises which they deserved, secured to himself much greater; and, in pursuance of

D. Hal.
b. 9.
p. 570.

Year of
R O M E
273.

B. C. 479.

Thirtieth
consul-
ship.

B. 2.
c. 47.

Year of
R O M E
274.
B. C. 478.

Thirty-
first con-
sulship.

C. 48.

D. Hal.
b. 9.
p. 271.

the resolution he had formed, from the beginning of his consulship, to conciliate to his family the affections of the people, he divided the wounded soldiers among the senators to be taken care of, assigning the greater number of them to the Fabii, who did not fail, on this occasion, to distinguish themselves by their humanity. From this time (says Livy) the Fabii became popular, yet not by any arts but what tended to the good of the republic.

§. III. CÆSO FABIVS (that very general who the year before last had been so grossly affronted) being now with the hearty good-will of the commons, as well as of the nobles, raised to the consulship^k (with T. Virginius), postponed all other business, to attempt a speedy and perfect restoration of concord between the nobles and the plebeians, towards which there seemed already to be some advances. He was hardly entered on this magistracy, when, in that view he declared it to be his opinion, that the conquered lands rightfully belonged to those men of whose sweat and blood they were the purchase, and earnestly exhorted the senate to prevent any new endeavours of the tribunes to obtain the passing of the Agrarian law, by freely making an equal distribution themselves of those lands among the poor plebeians. But the conscript fathers rejected his motion with scorn; and some of them went even so far as to say, that intoxicated with too much praise, that active genius, and those quick parts which had once distinguished him, were dulled and impaired.

He had better success in his military expeditions. He marched an army against the Æqui, and by the terror of his presence dispersed them without fighting. After this he hastened to the relief of the consul Virginius, who, with the troops under his command, was surrounded by the Veientes, and, without timely assistance,

^k This was Cæso's third consulship, and, for six years past, the consular fasces had never been out of the hands of one or other of the three brothers.

must have surrendered at discretion. He delivered his colleague out of danger, and made the enemy retire.

§. IV. NOR was this the only remarkable service that Cæso Fabius did the republic in his third consulship. The Romans being infested by the Veientes and other Hetrurians, who made frequent and mischievous incursions into the territory of Rome, and the senate being greatly at a loss how to put a stop to them; Cæso, to remedy this evil, formed a project worthy of his affection for his country. He assembled all the men of his own name and family, and proposed to them, that the Fabii should alone, at their proper expense and hazard, take upon them to secure the frontiers against the Veientes. Those generous patricians gladly consented to the motion, and the affair being communicated to the senate, was there approved and applauded. Early the next morning all the Fabii appeared under arms before Cæso Fabius's door. They were 306 in number, of different branches, but all originally sprung from the same stock. The whole city, men, women, and children, ran in crowds to see them, and made vows to Heaven for their preservation. Marcus Fabius, who had last year gained the battle of Veii, put himself at the head of the band, which was followed by about 4000 clients and vassals of the family; and he led them all to the banks of the Cremera, a little river which runs into the Tiber. There they built a fort in a steep place, surrounded it with a double ditch, and erected towers at certain distances. Their manner of making war was this; they divided their forces into four parts, of which one stayed to guard the fort, while the other three marched into three several parts of the enemy's country and pillaged it; and nothing could be more successful than their first expeditions.

In the mean time, L. Æmilius* and C. Servilius were chosen consuls at Rome. Cæso Fabius had no sooner ignied the fasces to them, but he desired permission

Year of
R O M E
274.
B. C. 478.

Thirty-
first con-
sulship.
P. 572.
Livy,
b. 2. c.
48, 49.

D. Hal.
b. 9.
p. 273.

Y. B. 275.
B. C. 477.

Thirty-
second
consul-
ship.
* A se-
cond
time.

Year of
R O M E
275.
B. C. 477.

Thirty-
second
consul-
ship.
P. 574.

of the senate to join his family. The conscript fathers readily consented; and to gain him the more respect created for him a new office. He was made proconsul, a title which gave the person honoured with it, a power over the troops he commanded, equal to that of a consul; but no other authority.

§. v. THE republic being threatened with a war on the side of Hetruria, and the Æqui and Volsci beginning to ravage the country of the Latins, the consuls raised three armies. Æmilius led one against the Veientes, who were strengthened by other Hetrurians; Servilius another against the Volsci; and S. Furius (with the title of proconsul) the third against the Æqui. The Æqui fled at the approach of Furius. The Volsci repulsed Servilius, and forced him to keep within his camp. The Veientes were defeated by Æmilius, and sent a deputation to him to beg peace. Æmilius referred the deputies to the senate, and the senate in return left it to him to settle the conditions of the treaty. Hereupon the consul shewed the Veientes great indulgence. He granted them peace without taking any part of their lands from them, or exacting any money, or even demanding hostages. This proceeding highly offended the senate, insomuch that they rejected his request for a triumph. Nevertheless, as he was a man of merit, he was invited to employ his troops and skill in succouring his colleague, who was embarrassed with the Volscian war; and upon this condition the fathers promised to receive him again into favour. But Æmilius, exceedingly piqued at the refusal he had met with, instead of marching to assist Servilius, returned to Rome, disbanded his own army, and recalled that which Furius conducted against the Æqui. He then complained to the people of the proceedings of the senate, who, he said, was dissatisfied with his having expedited the peace, for no other reason, but their desire to stave off the execution of the Cassian law. Thus the angry consul con-

veyed his own resentment into the minds of the people; and from that time the tribunes renewed their invectives against the senate, and their demand of the partition of the conquered lands.

§. VI. SUCH was the situation of affairs at Rome, when C. Horatius and T. Menenius entered upon the consulship. The Fabii still kept their post upon the Cremera, though after the peace with the Veientes, they had, for some time, but little opportunity of exercising their courage. But at length it was put to a fatal trial. It has been already observed, that Veii was one of the twelve lucumonies, or petty states of Hetruria. All the other lucumonies being much dissatisfied with that treaty which the Veientes had made with Rome, gave them to understand, that they must either break with the republic, or sustain a war against the rest of the Hetrurian powers united. The Veientes, in this dilemma, chose the former, and, in pursuance of that resolution, sent to the Fabii to require them to demolish their fort, and quit the frontiers. Hereupon hostilities were immediately renewed, and all Hetruria took arms against the Romans.

The Fabii had their usual success in every expedition and in every engagement, till one day they were unfortunately surprised in an ambush, out of which the most intrepid courage could not secure them a safe retreat. The Veientes lodged a whole army of Hetrurians in covered places, and posted sentinels on all the eminences, to give notice when they should sally out of their ambush. Then they drove some herds of cattle into a plain at a good distance from the Cremera, as it were to feed them, under a guard that appeared to be inconsiderable. This was enough to tempt the Fabii; who marched out of their fort in a great body, and left no more men in it than were necessary to defend it from a surprise. They advanced in good order; and, upon their approach, the herdsmen and their guard fled. Whilst some of the
ii pursued the runaways to take them prisoners, others

Year of
ROME
276.
B. C. 476.

Thirty-
third
consul-
ship.
P. 577.

P. 578.
Livy,
b. 2.
c. 50.

Year of
R O M E
276.
B.C. 476.

Thirty-
third
consul-
ship.

D. Hal.
b. 9.
p. 579.

seized the booty; and a small number of them continued drawn up in order of battle. Immediately the Hetrurians came out of their ambush, surrounded and cut in pieces all those who were busied in driving together the cattle dispersed about the plain. As for those of the Romans who kept their ranks, and formed a regular body, they used all their efforts to gain some eminence, where, having the advantage of the ground, they might at least sell their lives dear. But in this attempt they fell into another ambush, and were quite encompassed with enemies. Nevertheless, they did not lose their courage. Drawing themselves up into a close compact body which faced every way, they renewed the fight with more vigour than ever, still bearing forwards towards a hill which they had in view. They slew many of the Hetrurians, disengaged themselves from the rest, and gained the top of the hill. Here they passed the night without any provisions, and still beset by an army of enemies. The next morning, those of the Fabii who had been left to guard the fort, being informed of the danger their relations were in, flew to their relief, leaving but a very small number behind them. As soon as the Hetrurians perceived them advancing in the plain, they detached against them some strong parties, which cut them all off to a man. Not long after, those who were on the top of the hill, being more pressed by hunger and thirst, than by any thing else, came down with the rapidity of a torrent, to break their way through the enemy, of whom they made a dreadful slaughter. The Hetrurians, astonished at their losses, ceased the fight for some hours, and offered these brave men to let them pass, if they would throw down their arms, and give their words that they would abandon the fort. But these conditions were deemed shameful by the Fabii; they chose rather to run the hazard of dying all together with glory, than to secure their lives by an action which they thought would reflect dishonour on their family. The Hetrurians, find-

ing them obstinate, avoided a close engagement; and, for some time, only showered darts and stones upon them. But, at length, perceiving that their swords were most of them broken, and their bucklers split, they then, and not till then, ventured to attack them, man for man. The Fabii, now desperate, threw themselves with fury into the midst of the Hettrurian battalions, and, to arm themselves anew, snatched away the weapons of their enemies. Nay some, who lay upon the ground half dead, rose up, and came to yield their last breath in the midst of the battle. In conclusion they were all slain. The Hettrurians cut off their heads, and, carrying them in triumph upon the tops of their lances, shewed them to those few of the Fabii who had stayed in the fort. The latter, at this sad sight, gave themselves up to despair. They did not stay to fight from the ramparts; but aiming only to sell their lives dear, sallied out upon the enemy, without observing any order. These likewise were all cut to pieces; so that of the 306 Fabii, not one escaped.¹ The Romans gave the name of Porta Scelerata, or the Accursed Gate, to the gate Carmentalis, through which the Fabii had passed when they went out of the city; and the day of their defeat was ever after reckoned among the unlucky days, whereon it was forbidden to begin an important enterprise.

Year of
ROME
276.
B. C. 476.
Thirti-
third
consul-
ship.

P. 380.

The consul Menenius, who had received orders to march against the Hettrurians, might, if he had used dispatch, have delivered the Fabii in their distress. He was but thirty furlongs from the field of battle when they were cut to pieces. But, perhaps (as it was believed by many at Rome), he designedly, and out of envy and jealousy, gave them up to destruction. He had encamped

P. 381.

¹ Livy, following some more ancient historians, says, that only one of the name was left at Rome, a youth not fourteen years of age, who afterward repaired the family, and perpetuated it; a mere fiction, according to Dionysius, and without any shadow of probability: for it is not to be imagined, that of so considerable a number of men one only had children; and we shall find, ten years after this time, that is, in 286 of Rome, a Fabius in the consulship.

N. B. According to Dionysius there was a different account of the destruction of the Fabii, but he rejects it with contempt, as wholly incredible.

Year of
R O M E
276.
B. C. 476.

Thirty-
third
consul-
ship.
P. 582.

P. 583.

his army on the side of a hill, without securing the top of it. The victorious Hettrurians, seizing the favourable opportunity, which his want of skill afforded them, got above him, attacked him from the higher ground, gave him an entire defeat, and took his camp. Thence they advanced as far as the Janiculum, which overlooked Rome, and pitched their camp on the top of it. They then passed the Tiber, and in a manner blocked up the city. But then the consul Horatius, who had been commissioned to act against the Volsci, being called home, came to a battle with the Hettrurians near the temple of Hope, about a mile from Rome. The success of this action was pretty equal on both sides: but in a second, near the gate Collina, the consul gained some small advantage, which revived the Roman courage. Nevertheless, the enemy did not decamp from the Janiculum, and the lands having been left unsown the last year on account of the enemy's irruptions, a famine began to be felt in the city. The meaner sort got together in companies, threatening to plunder the granaries of the rich; and the tribunes encouraged their clamours and mutinies, by laying the present scarcity to the chief of the senate. The conscript fathers did every thing possible for the relief of the poor; but the case was such, that the people must either starve, or drive the enemy farther off.

Year of
R O M E
277.
B.C. 475.

Thirty-
fourth
consul-
ship.
P. 584,
585.

They marched out, therefore, under the conduct of their new consuls, A. Virginus and P. Servilius, and gave the Hettrurians an entire overthrow; nevertheless when, by the dead bodies which were brought to Rome to be burnt, the senate saw what numbers of Romans had perished in the action, they refused the consuls the honour of a triumph.

CHAP. XVII.

SECT. I. The tribunes not being able to carry their point in relation to the Agrarian law, turn their rage against some consulars, who when in power had opposed them. Menenius, the last year's consul, is accused before the people, and condemned in a fine. II. His successor Servilius is maliciously prosecuted as soon as he has resigned the fasces to P. Valerius and C. Nautius, but he is honourably acquitted. In this and the following consulship (of Aulus Manlius and L. Furius) war is carried on with success against several of the neighbouring states. III. The succeeding consuls, L. Æmilius (a third time chosen) and Vopiscus Julius, are publicly called upon by the tribune Genucius to name the commissioners for the partition of the lands. Finding that the consuls shun meddling in that affair, he begins a criminal process against their predecessors Manlius and Furius, for having neglected the naming of those commissioners. The trial is prevented by the sudden death of Genucius.

§. I. **PEACE** abroad, and plenty in the city, being restored, the civil feuds, in relation to the Agrarian law, presently revived. The tribunes, not able to carry their point against the body of the senate, turned their rage against some particular senators who had opposed their pretensions. Thus Menenius (the son of Menenius Agrippa) was accused before the people, by the tribunes, Q. Considius and T. Genucius, of having connived at the destruction of the Fabii when he might have prevented it. He was tried for his life; and neither the earnest solicitations of the patricians, nor his own merit, nor the remembrance of his father's, could save him from being condemned by the people almost unanimous. The tribunes, however, changed the penalty to a fine of 2000 asses in money [about six pounds sterling] a very exorbitant sum (says Dionysius) if we consider, that in those times men [of the first rank] earned the necessaries of life by the labour of their hands; and that Menenius's sole patrimony was his father's poverty. His friends would have paid the fine for him, but he would not suffer it. Unable to support his disgrace, he shut himself up in his house, where grief and vexation threw him into a distemper that soon put an end to his life.

§. II. **THE** tribunes fell next upon Spurius Servilius, who had succeeded Menenius in the consulship, and had secured the late victory over the Hetrurians. Scarce had

Year of
ROME
277.

-B.C. 475.

Thirty-fourth
consulship.

D. Hal.

b. 9.

p. 586.

Livy,

b. 2.

c. 52.

D. Hal.

b. 9.

p. 587.

Livy,

b. 2.

c. 52.

Year of
ROME
278.
B. C. 474.

Thirty-
fifth
consul-
ship.
D. Hal.
b. 9.
p. 587,
et seq.

he resigned the fasces to P. Valerius and C. Nautius, when a criminal process was commenced against him by the tribunes Cædicius and Staius, for having lost the flower of his army in that action, by pursuing the enemy too far, and rashly attacking their intrenchments; and they produced both officers and common soldiers to witness the temerity of the general, and the fatal consequences of it. This was the crime pretended by the tribunes. Perhaps the real and only crime both of him and of Menenius, was the having omitted, during their consulships, to name commissioners for making the desired partition of the lands.

Servilius did not endeavour, like Menenius, to ward the stroke by deprecations, or by employing the intercession of the fathers, but, when he came to his trial, relying on his innocence and the good-will of the people, he thus addressed them: "If, Romans, I am summoned to this tribunal, to give an account of my conduct in the late war, I am willing and prepared to do it. But, if you have already pronounced sentence against me, and I am brought hither only to be delivered up to the executioner, to what purpose should I say any thing in defence of my actions? Here is my body; do with it what you please." He said no more; and for a few moments there reigned a perfect silence in the assembly; but the multitude calling out to him, to take courage and say what he pleased, he then proceeded to a justification of his conduct in all its parts, exposed the unreasonableness of expecting great and important victories over powerful enemies without considerable loss of men to the conquerors; and in conclusion bitterly reproached both the tribunes and the people with their condemnation of Menenius and with his death, the destruction of a man, whose father had procured them those very magistracies and laws by which they were enabled to be so wantonly cruel.

The noble confidence of the accused, together with

the testimony of his colleague Virginius, who highly extolled his conduct in the battle, and ascribed to him all the glory of the success, dispersed the storm that threatened him; and this the more easily, as the people were now heartily ashamed of the sentence they had passed against Menenius. Servilius was unanimously acquitted; and he soon after not only cleared his character from all blemish, but added a new lustre to it. A notable victory which the consul Valerius, in this same year, obtained over the Hetrurians and Sabines, was imputed chiefly to the bravery and conduct of Servilius, who had served in quality of his lieutenant.

Year of
ROME
278.
B. C. 474.

Thirty-
fifth con-
sulship.
Livy,
b. 2.
c. 52.
D. Hal.
b. 9.
p. 591,
et seq.

A. Manlius, who with L. Furius was raised to the consulate for the new year, led the victorious army against the Veientes. But these enemies durst no longer appear in the field. They shut themselves up in Veii, where, being soon straitened for provisions, they sued for peace. The senate, to whom the consuls referred their deputies, granted them a truce for forty years, and, in reward of Manlius's successful, but unbloody expedition, they decreed him the honour of an ovation.

Year of
ROME
279.
B. C. 473.

Thirty-
sixth con-
sulship.
P. 594.
Livy,
b. 2.
c. 53.

And now the tribunes with much warmth renewed their pursuit of the great affair; nor did the condemnation of Menenius, nor the danger of Servilius, deter Manlius and Furius from opposing with all their might the measures of the plebeian magistrates; for which opposition they were impeached very soon after they had resigned the fasces to L. Æmilius* and Vopiscus Julius.

Year of
ROME
280.
B. C. 472.

§. III. CN. GENUCIUS, one of the tribunes, a daring enterprising man, and no bad speaker, called upon the new consuls to name commissioners for executing the senate's decree, in relation to the public lands. Æmilius and Julius, to elude this demand, alleged, that the *senatus-consultum* in question did not regard them; that they had not been charged with the distribution of the lands; that the decree regarded those consuls only whom it was addressed, the immediate successors of

Thirty-
seventh
consul-
ship.
* A third
time con-
sul.

Year of
ROME
980.
B. C. 472.

Thirty-
seventh
consul-
ship.
D. Hal.
b. 9.
p. 395.

Cassius and Virginius; that the *senatus-consulta* were not permanent laws, nor of force any longer than during the magistracies of those to whom their execution was committed.

The tribune, enraged at this evasive answer, would gladly have attacked the consuls directly; but as he foresaw it would be no easy matter to ruin them, while actually invested with the sovereign power, he turned his resentment upon Manlius and Furius, whose offices were but just expired. He cited them before the assembly of the people, to answer for their injustice in having neglected to name commissioners for distributing the conquered lands pursuant to the senate's decree: he said, the only way to engage the present consuls to execute that decree was the letting them foresee, by the punishment of their predecessors, what would be their own fate if they neglected their duty: and having sworn by all that was most sacred, that he would not desist from the prosecution, he named a day for the trial.

Livy,
b. 2.
c. 54.

Manlius and Furius, though they went about humbly soliciting the favour of the plebeians, yet, by artful discourses to the younger senators, endeavoured to engage these to defend them against the plebeians by ways of violence. They exhorted the young men "never to aspire to the consular fasces, the robe of magistracy, or the curule chair; which, they said, would be only the decorations of their funeral: that a consul was now but a sergeant of the tribunes to execute their will; and in case any consul found himself inclined to exercise his proper authority, or to assert that of the senate, he would do well to set before his eyes the banishment of Coriolanus, and the death of Menenius."

The senators, inflamed by these speeches, no longer held public but private councils; in which it was determined absolutely to rescue the accused: and, of many wicked expedients proposed, the most audacious and most wicked was the most approved.

When the day for the trial came, Genucius did not appear in the forum. It was imagined at first, that the patricians had found means to deter him from his purpose, and that he had deserted the cause: but presently some who had been waiting at his door, brought word that he was found dead in his bed. The plebeians on this report, like soldiers whose general is slain, immediately dispersed themselves; and the tribunes were of all the most terrified; finding by the example of their colleague, that the law, which made their persons sacred, gave them no security. On the other hand, the patricians exulted in a most extravagant manner. None of them seemed sorry for what had happened. Nay, those who had not been even accomplices in the murder affected to be thought principals; and it was openly said, that the tribunician power ought by such methods to be kept down.^m

Year of
ROM E
280.
B. C. 472.

Thirty-
seventh
consul-
ship.

CHAP. XVIII.

SECT. I. The haughty and imprudent behaviour of the consuls after the death of Genucius, in relation to P. Volero; whom, though he had been an officer, they would oblige to list himself for a common soldier. The people rise, and the consuls hide themselves. II. L. Pinarius and P. Furius succeed to the consulate, and Volero is chosen a tribune of the people. Volero proposes a law for electing the tribunes in the comitia by tribes. The disputes on this head are interrupted by a plague. III. The senate get the consulship for Appius Claudius and T. Quinctius. The two colleagues differ about the means to defeat Volero's project. IV. Volero renews the proposal of his law in an assembly of the people. Quinctius, by soft words, disposes the people to reject it: but Appius, by a speech full of pride and heat, ruins the effect of what his colleague had said. The tribune Lætorius commands Appius to leave the assembly, and even orders him to be led to prison. A riotous scuffle ensues. Night puts an end to the disorder. V. The tumult is renewed the next morning. Quinctius by prudent management quiets it, and prevails upon the senate to let Volero's law pass.

281.
Volero's
law.
282.

Læto-
rius.

§. I. THE consuls, flushed with this ill-gotten victory, and resolving to make the people feel their power, began now to use an extreme and (at this time) most impru-

D. Hal.
b. 9.
p. 596.
Livy.
b. 2.
c. 55.

^m This is Livy's account. Dionysius (b. 9. p. 596.) makes the death of Genucius to have happened the day before that which was appointed for the trial. He adds, that the tribune's body being exposed to public view, in the forum, and there being on it no marks of poison or other violence, a notion prevailed universally, that his death was a stroke from the gods, who disapproved his enterprise: whereupon the prosecution was dropped: and the tribunes became quiet with regard to the Agralaw.

Year of
ROME
590.
B.C. 472.

Thirty-
seventh
consul-
ship.

dent rigour in raising soldiers for the war. Whatever citizen did not appear, upon the summons, to give in his name, was sure to be severely punished, right or wrong, and some they even caused to be whipped by the lictors. Nor in all these proceedings did they meet with any opposition from the tribunes, confounded and struck mute by what had happened to Genucius.

Wrathful murmurings (the prelude to revolt) presently arose among the plebeians, more provoked by the silence of their own magistrates, than the tyranny exercised by the consuls, "That their liberty was gone: that the tribunician authority had expired and been buried with Genucius: that the commons, deprived of all assistance, must now themselves provide for their defence against the nobles; and that this was not very difficult to do: that though the consuls were attended by twenty-four lictors, these lictors were all plebeians: that imagination only made the consular power formidable: that nothing was in reality weaker or more contemptible, if men would but learn to despise it."

While with such speeches the people were exciting one another to resistance, the consuls summoned a certain plebeian, named Publilius Volero, who had been a centurion, and was esteemed a good officer, to enlist himself for a common soldier. The young man, full of spirit, boldly refused. Instantly the consuls sent a lictor to seize him.—"Help me, tribunes!" cried out Volero.—The consuls seeing nobody come to his aid, bid the lictor dispatch, tear off his clothes, and scourge him. Volero checked the haste of this officer by a blow on his face that knocked him down: and then turning to the consuls, he said, "Since our tribunes had rather see a Roman citizen scourged in their presence, than be themselves murdered in their beds by you, I appeal to the people." All the lictors were now commanded to fall upon him at once; but he, getting into the thickest of the crowd, and calling out aloud, "I appeal to the people."

ple; I implore your aid; assist me, citizens! assist me, fellow-soldiers! no protection is to be expected from the tribunes; they themselves have need of your protection;" the multitude with a desperate fury attacked the lictors, beat them, broke the fasces, and made the consuls experience, that authority without strength is a vain thing: they were forced to fly for refuge to the senate-house. Hither they summoned the fathers, and complained to them of the audaciousness of Volero, and the insolent violence of the people. On the other hand, the tribunes, who had hitherto been quiet, began now to make a mighty noise; they demanded justice upon the consuls, for that, in contempt of the *lex Valeria*, and of an appeal to the people, they had offered to scourge a citizen, a Roman of free condition, as if he had been the vilest slave: a new subject of fierce dispute between the two orders in the republic: but the elder and wiser men of the senate not thinking it prudent to contend with the headstrong rashness of the commons, prevailed with the rest of the fathers to drop their resentments; and so the tempest subsided for the present.

§. II. VOLERO, fearing the power of the consuls, and knowing that the tribuneship, if he could get it, would be the best security against their fury, stood for the office of tribune. To engage the voices of the people in his favour, he boasted publicly, that if ever he were invested with that magistracy, he would take such methods that the plebeians should never more be oppressed by the noble. The multitude readily granted him their votes; and he entered upon the exercise of his office in the consulship of L. Pinarius and P. Furius. It was universally expected, that to revenge himself on the last year's consuls, who had treated him so ill, he would immediately commence a prosecution against them before the people; but he soon discovered, that though a man mean birth and education, he was capable of views more extensive and important to the interest of his

Year of
ROME
280.
B.C. 472.

Thirty-
seventh
consul-
ship.

D. Hal-
b. 9.
p. 597.

P. 598.

Livy,
b. 2.
c. 56.

Year of
ROME
281.
B.C. 471.

Thirty-
eighth
consul-
ship.

Year of
R.O.M.E.
981.
B.C. 471.

Thirty-
eighth
consul-
ship.

party, than a mere personal revenge. Without letting fall so much as one disrespectful word against the late magistrates, he turned his force against the whole body of the patricians, and undertook to deprive them of the influence they had in the election of the tribunes of the people.

D. Hal.
b. 9.
p. 589.

The tribunes had hitherto been chosen in comitia by curiæ.^a As those assemblies consisted only of such citizens as resided in Rome, or belonged to the thirty curiæ, Volero thought (or pretended to think) that the senators, by the multitude of their friends, clients, and immediate attendants, had a greater influence there than was consistent with the people's entire liberty of choosing their own protectors. Moreover, it was the prerogative of the senate to give a previous consent, before those assemblies could be held, and none but patricians could preside in them. Nor was this all; for the augurs, before any thing could be validly done, were to declare that the auspices were favourable. Now it often happened, that these ministers of religion, patricians by birth, did, to serve the interest of their order, either put off the holding of the comitia, or annul the election of such tribunes as were very obnoxious to the nobility, under pretence that the omens were inauspicious.

^a In what M. Vertot says on this occasion, and on some others, of the difference between the several sorts of comitia, he seems to be defective in the manner of expressing himself. He commonly tells us, that, in the comitia by tribes and by curiæ, "every man's vote was taken singly;" (*qu'on recueilloit les voix par tête*) but that in the centuriate comitia the voices were counted by centuries. From which way of speaking, one would be apt to imagine that in the two first-named sorts of comitia all affairs were decided by the majority of the citizens assembled. But this was not the case. No question whatsoever was decided in any of the three sorts of assembly by the plurality of single votes. The opinion of the plurality of the citizens in each curia, tribe, and century, determined the sense of that curia, tribe, and century. But it was the majority of the centuries, of the tribes, or of the curiæ, that decided the question in debate. And though, perhaps, it never happened, it was very possible to happen, that in the comitia by tribes, and by curiæ, as well as in those by centuries, a great majority of single voices should lose their point. For example; in the affair of Coriolanus nine tribes only voted for him, and twelve against him; he was therefore cast. Nevertheless, it does not hence follow that the majority of the Roman citizens were against him. For, if in each of those nine tribes which voted for him, the citizens were unanimous, and if in each of those twelve which voted against him, the citizens were divided, and only a bare majority against him, it will hence follow, that he must have had a very great majority of single voices in favour, notwithstanding his being condemned.

Volero moved, therefore, that for the future the election of the tribunes should no longer be in comitia curiata,^o but in comitia tributa; assemblies where the

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^o The words of Dionysius are—*συναγαγὼν τὸν δῆμον εἰς ἐκκλησίαν νόμον εἰσφέρει* *πρὸς τὸν δημοκρατικὸν ἀρχαιρεσίαν, μετὰ τὸν αὐτὰ ἐκ τῆς φρατριάκης ψηφοφορίας, ἢν οἱ Ρωμαῖοι κοουρίαν καλοῦσιν, ἐπὶ τὴν φυλετικὴν.* Lib. 9. c. 41. p. 598.

And, ten years after this time, when the law for creating decemvirs to form a body of laws, &c. is in agitation, the consuls and other eminent patricians reproach the tribunes with their unhallowed magistracy, because elected in comitia tributa, and not, as formerly, in comitia curiata, preceded by religious ceremonies. "The power, which you extorted from the senate [at the treaty of reunion], have you not lost it by the change of the comitia? For you enter on this magistracy, without any previous *senatus-consultum*; you are not chosen by the curiæ; no sacrifices precede the holding of your comitia; there is nothing of piety towards the gods, or justice towards men, in this magistracy of yours. And yet you will pretend to law-making; which is one of those things, to the due performance whereof, sacrifices and religious *πορνή* were always held to be necessary."

1. Ὅτι οὐ καὶ πρότερον ἦν τις ἡμῶν δύναμις, ἣν οὐκ ἐκ τοῦ δικαίου διασάμμενοι ἡμεῖς ἐλάβετε, ὑποκαταναλωμένης ἐκάστῃ πλεονεκτῆματι τῆς βουλῆς, οὐχὶ καὶ ταύτην νῦν ἀπολωλέκατε τῇ μετσίῳ τῶν ἀρχαιρεσιῶν; οὐτε γὰρ βουλῆς δόγμα ἡμᾶς ἀποδιδόνουσιν ἐπὶ τὴν ἀρχὴν, οὐτε αὖ τὴν ψῆφον ὑπὲρ ἡμῶν ἐπιφέρουσιν, οὐτε ἱερὰ προθύβετε τοῖς θεοῖς πρὸ τῶν ἀρχαιρεσιῶν, τὰ νόμους ἔχρον ἐπιτελεῖσθαι, οὐτε ἄλλο τῶν πρὸς τῆς θεοῦς εὐσεβῶν, ἢ πρὸς ὅσων οὐδὲν ἐπὶ τῆς ἀρχῆς τῆς ὑμετέρας γίνεται· τίνας οὖν ἡμῖν ἐτι μέτασσι τῶν ἱερῶν καὶ σεβασμῶν δοξαίμενοι, ὧν ἐτι [ἦν τι, Cod. Vat.] καὶ ὁ νόμος ἦν, ἐξαρνησάμενοις τὰ νόμιμα ἅπαντα; Lib. x. c. 4. p. 630.

It is manifest that the words of these several passages, as they stand in Dionysius, do import, that the tribunes, till this time, were chosen in comitia by curiæ. Nevertheless, the fact is disputed. For,

In the former of these passages, Glarean reads *κεντουριάτην* instead of *κοουρίαν*, and, Apud in the latter, reads *λόχοι* instead of *φράτριάς*, being of opinion, that the tribunes, until Huda. Volero's law, were chosen in comitia centuriata. And Dr. Hudson conforms his Dionys. translation of the latter passage to Glarean's reading. Manutius likewise is of opinion, that the tribunes were, at first, elected in comitia by centuries.

—"Non modo consules, qui de patribus primo creabantur, sed et tribunes plebis centuriatis comitiis esse factos, ex Livii, lib. ii. et Dionysii, lib. ix. plane constat; tametsi libitorum creationem post annos xvii. a centuriatis ad tributa, Voleronis lege esse translatam iidem Livius & Dionysius narrant." Cap. x. de Com. Rom.

Though Manutius cites here the authorities of Liv. lib. ii. and Dionys. lib. ix. in support of his opinion, there is nothing in the books referred to, nor I believe in any other books of those historians, that can support it. Whatever good reasons the learned critics above-named might have to believe that the centuries, and not the curiæ, chose the tribunes till Volero's law, it seems demonstrable, that Dionysius did not mean to say so. For,

1. He relates (in lib. vi. c. 89. p. 410.) that the *φράτριάς*, which were called *curiæ* elected the first tribunes after the treaty of accommodation on the Mons Sacer.

Ναυηθεῖς δὲ ὁ δῆμος εἰς τὰς τότε εὐσας φρατριάς, ἥπως βούλεται τις αὐτὰς προσαγορεύειν, ἃς οὕτως καλεῖσθαι κοουρίας, ἀρχοντας βιαυσίλους ἀποδιδόνουσι, &c.

Plebs verò divisa in φρατριάς, quæ tunc erant, sive quocunque alio nomine velit quis eas appellare, quas illi curias vocant, annuos magistratus creavit, &c.

2. If Dionysius thought that the centuries had chosen, to the tribuneship, the prosecutors of Coriolanus (men so angrily zealous against the senate and all the patricians), with what appearance of reason could he impute to those prosecutors an apprehension, that the comitia centuriata would absolve him should he be tried at that tribunal; an apprehension so strong as to put them on devising a new sort of comitia for the trial? This argument, I confess, is not decisive; because Dionysius does not always give himself the trouble to seek an appearance of reason.

3. But what leaves no room to doubt of the historian's meaning, is this, that, but few lines before his first mention of Volero's bill, he tells us, that the contempt which this man had shewn of the consular authority, was "the principal cause which moved the poor, the lowest of the people, to choose him to be one of their leaders [i. e. of the tribunes], he himself being of mean birth, and educated in great poverty."

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people's own magistrates might preside: where all the citizens of the country-tribes, as well as the inhabitants of Rome, would have a right of voting; and which would not be subject to any decrees of the senate, or the influence of the augurs.

The plebeians in general were highly pleased with this proposal, and warmly declared for passing it into a law. The consuls on the other hand, the senate, and the whole order of patricians, opposed it with all their might. It became the common and the only subject of dispute between the two parties; so that the affair of the Agrarian law was for awhile entirely dropped.

D. Hal.
b. 9.
p. 599.

A dreadful pestilence, which raged both in the city and in the country, interrupted the course of this furious contest. Each man being taken up with his particular losses and his own preservation, less attention was given to the business of the public. But this calamity proving as short as it was violent, the tribunes quickly resumed the prosecution of the law proposed by Volero; and the people believing they could not succeed without his assistance, continued him the tribuneship for the following year, in spite of the opposition of the senate and of the whole patrician party. *

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Liv. b. 2.
c. 46.
D. Hal.
ibid.

§. III. THE senate finding how strongly bent the plebeians were upon carrying their point, and how necessary it would be to set up against Volero some man of intrepid resolution, and who was not to be terrified by the clamours and menaces of the multitude, pitched upon Appius Claudius, and raised him to the consulate

οὐ δὲ ἀλλὰ τι μᾶλλον ἀποδιδυχαίς ὑπὸ τοῦ τῶν πενήτων δήμου προστάτης· [οὐ ὑπὸ τῶν πενήτων τοῦ δήμου προστάτης. Sylb. et Port.] γίνεσθαι γὰρ ἐν τῶν ἐπιτυχόντων ἦν, καὶ τῶν ἀτυχεμένων ἐν πολλῇ ταπεινότητι καὶ ἀπορίᾳ. Liv. 9. p. 597, 598. Hac potissimum de causa ab infima plebe tribunus est creatus (nam erat ignobili genere natus, et in magna humilitate ac egestate educatus). Hudson.

Now the poor, the lowest of the people (the sixth class), had but one vote, of 195, in the comitia centuriata; and should we extend the meaning of the words τοῦ τῶν πενήτων δήμου to the centuries of the fourth and fifth classes, this will not remove the difficulty; because (as has been often mentioned) the centuries of the first class, consisting of the richest citizens, made the majority of the whole: consequently, the tribunes were not chosen in comitia centuriata, if Dionysius's authority is to decide the question.

without his participation. He had been so far from making interest for that high post, that he had not so much as appeared in the assembly on the day of election; he was proud, but without ambition; not less zealous than his father had been for the interest of the senate, and more obstinate and inflexible. The senate gave him for a colleague T. Quinctius, a man naturally mild and insinuating; and who had found means to get the love of the people, though he was looked upon to be one of the principal leaders of the other party.

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The new consuls, as they were of different characters, so were they of different opinions. Appius hoping for no peace in the city, but by leading the plebeians into the field, advised, that upon some pretence (not difficult to find while Rome was so hated by her neighbours) a new war should be immediately undertaken.

P. 600.

Quinctius was against commencing any war without necessity. He said, it was to be feared, that the force which must be employed to compel those plebeians who refused to serve, would exasperate the multitude to a desperate fury (as in the preceding consulships): in which case either the fire must be extinguished by the blood of Roman citizens, or the consuls must debase themselves to the ignominious task of courting and soothing the very lowest of the people. As Quinctius was this month in possession of the chief authority, his colleague could do nothing without him.

In the mean time Volero proposed this law anew, and, in concert with his colleagues, added these articles to it: That the ædiles should likewise be chosen in comitia by tribes, and that these assemblies should have cognizance of all affairs which the people had a right to determine; an addition (says Dionysius) which tended directly to destroy the authority of the senate, and to establish that of the people upon its ruins. The consuls, upon this new alarm, convened the fathers. Appius declared for
ing all those citizens, who wished the preservation

Vid. *supr.*
p. 232.

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of the ancient form of government, and for treating as enemies to the state all opponents. Quinctius advised the gentler methods of reasoning and persuasion to bring the people to a sense of their true interest: the majority of the senate coming into his opinion, the consuls repaired to the comitium, and desired of the tribunes, that they would permit them to speak to the plebeians assembled, and would name a day. With some difficulty they obtained both requests. When the day came, and the forum was filled with a promiscuous crowd of patricians and plebeians, whom the magistrates of the different orders had brought thither to support them respectively, Quinctius (leave to speak first asked and granted) made so artful, so pleasing, so engaging an harangue to the multitude, against the proposed law, that it is probable they would have rejected it, if Appius had not spoken after him.

P. 601.

But this consul, who understood no way of treating men but with a high hand, instead of taking advantage of the impression which his colleague's discourse had made in the minds of his audience, fell into invectives, which had the very same effect as the harangues of the tribunes. He upbraided the people in the most harsh and offensive terms with their secession upon the Mons Sacer; deserting their generals, to whom they had sworn obedience; carrying away the military standards; employing against their country those very arms, which were put into their hands for its defence. He added, that it was no wonder, if fugitive bankrupts and perjured soldiers, after being readmitted into the city, ran every day into new disorders and excesses. That the most sacred laws were infringed, the consular power despised, and the dignity of the senate debased; and that no remedy to these evils could be hoped so long as the tribuneship, the root of all, subsisted.

And he concluded with telling them, that, as to the present affair, it was his firm determination for ever

withstand the passing of so iniquitous a law as was then proposed, and of any law whatsoever which had not first passed the examination and approbation of the senate; and that he hoped to make them know during his magistracy, if they were yet ignorant of it, what was the extent of the power of a consul.

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Volero, notwithstanding this provocation, still confined his discourse to the matter and merits of the law in question, forbearing all personal attacks. But Lætorius, another of the tribunes, fell at once to railing against the Claudian family,^p which he termed the most haughty and most cruel enemies of the plebeians; and he added, that the patricians had given them, in Appius, not a consul, but an executioner, to rend and torture them. Words failing the rough soldier to keep pace with his angry and impetuous thoughts, he said, “Romans, I am not so ready at speaking as at doing. Come hither tomorrow. I will get the law passed, or die upon the spot before you.”

Livy,
b. 2.
c. 56.

The next day the tribunes^q possessed themselves of the temple [the capitol, according to Dionysius]. The consuls and patricians repaired to the assembly to hinder the passing of the law. Lætorius bids his viator clear the place of all, who have not the right of voting: the young nobles keep their ground: he gives orders to lay hold on some of them: Appius cries out, “A tribune has no authority but over the plebeians: he is not a magistrate of the people, but of the commons:” I myself, though consul, have no power, by the custom of our ancestors, to remove any citizen from a public assembly; the form of dismissing it having always been, ‘Depart, Romans, if you please.’” Si vobis videtur, discedite, Quirites.

The tribune, no match for the consul at points of

^p Dionysius represents Lætorius as a long-winded orator, who answers what Appius had said against the commons, with an ample panegyric upon them; then makes an invective against Appius and his family; and then closes all with swearing, that he will carry his point or die.

^q *Non populi sed plebis eum magistratum esse.* Livy, b. 2. c. 56.

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law, instead of answering, sends a viator to arrest him; Appius sends a lictor to seize the tribune, crying aloud to him, at the same time, that he is but a private man, without any authority or real magistracy. The sacrosanct person of the tribune was just going to be insulted, when the enraged plebeians all united at once against the consul. Appius nevertheless stood the storm; and as fresh crowds of citizens flocked to the forum from all quarters, the commotion would probably not have ended without bloodshed, if Quinctius, the other consul, had not exerted all his soothing arts to quiet the tumult. Requesting some consulars to force Appius out of the assembly (if they could not persuade him to go), he endeavoured by entreaties to assuage the fury of the plebeians, and begged of the tribunes to dismiss the assembly, and allow their own anger some leisure to cool. Time (he said) would not diminish their strength, but add wisdom to it; that the senate would certainly yield to the people, and the consul to the senate.

- c. 37. Quinctius found it difficult to appease the multitude; the consulars much more difficult to appease Appius. At length the assembly of the commons was dismissed; and the consuls convened the senate. Anger and fear, for awhile, alternately dictated different counsels; but in proportion as those passions subsiding gave place to reflection and reason, the fathers became more and more averse from all farther strife; and Quinctius had the thanks of the house for having quieted the tumultuary contest. They entreated Appius not to insist on retaining to the consular dignity any higher prerogatives than were compatible with concord in the state. He, unconvinced by all their remonstrances, "called gods and men to witness, that the republic was betrayed through cowardice; that a consul was not wanting to the senate, but a senate to the consul: that they were going to submit to laws more destructive than even those enacted at the Mons Sacer." Overcome, however, by the u

mity of the fathers, he acquiesced. The law was quietly passed. *Lex silentio perfertur.*¹

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And now the tribunes were chosen for the first time in comitia by tribes; and, according to Piso the historian (quoted by Livy), the commons, from the same time, began to have five tribunes, and not before.² The names of the five now elected were, C. Sicinius, L. Lurinatorius, M. Duilius, Sp. Icilius, and L. Mecilius.

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CHAP. XIX.

SECT. I. The consuls lead two armies into the field against the Æqui and Volsci. Appius's troops, that he may have no claim to a triumph, refuse to fight the enemy. He punishes them with the utmost severity, and returns to Rome. II. The affair of the Agrarian law being revived in the consulship of his successors (L. Valerius, a second time consul, and T. Æmilius), he opposes the tribunes with more heat than ever. They cite him before the people, as an enemy to the public liberty. He kills himself. III. The tribunes resume the affair of the conquered lands, but drop it again till the close of the next consulship (of A. Virginus and T. Numicius), when no plebeian appears in the comitia, where T. Quinctius (a second time) and Q. Servilius are chosen to that dignity. These consuls, to keep things quiet at home, busy the people in various wars. IV. The domestic dissensions begin afresh in the consulship of T. Æmilius (a second time consul) and Q. Fabius. Æmilius favours the people in relation to the Agrarian law. Fabius, without promoting that affair, falls upon an expedient to stop their complaints. V. He then takes the field, and reduces the Æqui to ask peace; who nevertheless in the next consulate of Sp. Posthumus and Q. Servilius (now a second time consul) begin to stir again; and in the following year, when T. Quinctius (a third time) and Q. Fabius (a second time) are consuls, the war breaks out anew; it is continued by their successors, A. Posthumus and Sp. Furius, to the advantage of the Romans. VI. In the succeeding consulate of P. Servilius Priscus and L. Æbutius Ilva, a most dreadful plague rages in the city. The Æqui and Volsci appear before Rome, but soon retire: and the Romans the next year, under the command of the new consuls (L. Lucretius and T. Veturius) give them an entire overthrow.

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§. I. THE Æqui and Volsci, during these divisions at Rome, had, according to their old custom, made inroads

D. Hal.
b. 9.
p. 605,
606.

¹ The Greek historian (b. 9. p. 603—605.) is somewhat more circumstantial than the Latin with regard to the commotion. He represents it as lasting many days. He says, that after the fray between Appius and Lætorius, in which the latter received a hurt, the tribunes and people possessed themselves of the capitol, and kept guard there night and day, to the great terror of the fathers. And he adds, that Quinctius, at length, prevailed with the tribunes to refer the matter in dispute wholly to the judgment of the senate. That there (the tribunes present) Valerius, being called upon the first to declare his opinion, began with advising a mutual forgiveness and oblivion of all injuries done in the late scuffle; and then said, that since the consul Appius would not permit the law in question to be proposed by the people, without a previous decree of the senate, he thought the senate should take it into consideration, and make a decree thereupon. This advice was approved. Quinctius put the question: Appius spoke warmly against the law: the tribunes answered him: the majority of the senate declared for the law; and a decree was made conformable to the sense of the house; which decree the people joyfully received; and by their suffrages the law was enacted. Καὶ ὁ δῆμος ἀγανατῶς διεξέμενος τὸ συγχεῖσμα τῆς τοῦτις, ἀνελήφους τὸν νόμον.

Livy,
b. 2.
c. 58.

² If Piso's report be true, many particulars related by Dionysius and Livy concerning the tribunes must be fabulous. It may be observed, that Pighius has in no preceding this, inserted more than two in his calendars.

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upon the territories of the republic. The legions raised to take revenge upon those enemies were divided between the two consuls.

Appius marched against the Volsci, and carried with him into the field the same cruel and tyrannical spirit which had actuated him in the city, and to which he now abandoned himself the more absolutely, as he had no tribunes to control him. The victory which the commons had gained over him, made his hatred to them exceed even that of his father. Though singled out by the patricians, as the only man qualified to withstand the tribunes, yet in his consulship they had passed their law, which his predecessors, with less vigorous efforts than his, had obstructed. Stung with these reflections, anger and indignation incited him to exercise towards the soldiers a rigour that had more the appearance of revenge than of necessary discipline. Yet so obstinate a spirit of opposition to him had they imbibed, that no acts of severity could make them submissive. They did every thing slowly, lazily, negligently, contumaciously. Neither fear nor shame had any power with them. If he bade them march faster, instantly they took care to slacken their pace; if, when they were employed in any work, he urged them to dispatch, they presently became languid, though of their own accord they had been active before; their arms grew stiff. Whenever he was near, they kept their eyes on the ground, muttering curses as he passed by; insomuch, that though unconquered by the hatred of the plebeians, it sometimes staggered him. Finding that no examples of punishment had any influence on the soldiers, he forbore speaking to them any more; but charged the centurions with having corrupted his army, and scoffingly called them tribunes of the commons, and sometimes Voleros.

c. 49. The Volsci, having intelligence of all this, pressed the closer upon the Romans, in hopes of their acting the same part towards Appius as formerly towards Cæso bius. And in truth they were disposed to act a

as they hated Appius much more than they had done the other. They did not only resolve, like Fabius's army, not to conquer, but they resolved to be conquered. The consul had no sooner drawn them up for battle than they turned their backs to the enemy, fled shamefully to their intrenchments, nor made any resistance till they beheld the slaughter of their rear, and the Volsci approaching to break into their camp. Then exerting their strength courageously they repulsed the victorious Volsci, yet would do no more. They would only save the camp, and shew the general that they could have conquered if they had pleased. Some even exulted in the loss and disgrace they had suffered. The haughty and fierce spirit of Appius, not broken by all this, but eagerly bent to punish it with rigour, he gave orders for the soldiers to assemble before his tribunal. His lieutenants and military tribunes, who dreaded the consequence, ran to him, begged of him not to hazard his authority by putting it to such a trial, since its whole force lay in the consent of those who were to obey; they represented to him, that the soldiers in general declared, they would not assemble; that many called out aloud to decamp and quit the territory of the Volsci; and that certain appearances gave great reason to apprehend some dreadful blow from the victorious enemy, who had already been once at the foot of the rampart. Appius, yielding at length to their remonstrances (though the guilty got nothing by it but a delay of punishment), put off the assembly, and issued orders* to decamp the next morning. At break of day the signal for marching was given by sound of trumpet. The Volsci, as if roused by the same signal, fell upon the hindmost ranks of the army, as soon as it was in march: the terror and confusion, hereby caused, spread to the foremost; no orders could be heard, no troops formed for fighting; soldiers away their arms, ensigns their colours; the only act of every one was to escape by flight; the Volsci

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ceased to pursue, before the Romans ceased to run ; nor did these rally till they came upon the lands of the republic.

Then Appius, who during the rout had in vain called upon his men to face about, pitching his camp where he could not be molested by the enemy, once more summoned the army to attend him. Seated in his tribunal, he upbraided them (and not without reason) with their breach of discipline and shameful behaviour ; asked the ensigns who appeared without their colours, what they had done with them ? the unarmed soldiers what they had done with their arms ? Giving full scope to his natural severity, he caused the guilty centurions, ensigns, and those of the private soldiers who had double allowance of provisions, to be first scourged and then beheaded ; and the rest of the soldiers he decimated, that is, put every tenth man of them to death, lots determining who should be the sufferers.

The time for electing new consuls drawing near, Appius, universally hated by the multitude, and inwardly vexed, because he had acquired no glory, led back the wreck of his army to Rome.

Livy,
b. 2.
c. 60.

In the other army, commanded by Quinctius, against the Æqui, the scene had been far different ; an amiable competition between the general and his soldiers ; the strife, which should give the other the greater proofs of good-will and affection ; Quinctius, naturally mild and gentle, had yielded to his disposition with the more pleasure, as he observed the bad effects of his colleague's cruel severity. The Æqui, apprized of this concord between the consul and his troops, durst not shew themselves. Without opposition they suffered their lands to be plundered and ravaged. A richer booty had never been brought from that country ; and Quinctius gave all to his men. To this liberality he added praises, not less pleasing to soldiers than rewards. They returned home in perfect good humour with their general,

on his account, even softened towards the patricians ; the senate (they said) had to them given a father, to the other army a master.

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“ Thus, with various fortune in war, and furious discord both at home and abroad, passed this year, chiefly memorable for the comitia by tribes. The affair was more considerable on account of the victory itself, than any real benefit got by the victory. For neither the plebeians acquired, nor the patricians lost, so much strength, as the comitia themselves lost dignity, by the exclusion of the patricians from the council.”

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§. 11. L. Valerius and Tib. Æmilius (chosen to succeed Quinctius and Appius in the consulship) had scarce entered upon their office, when the tribunes of the commons revived the affair of the conquered lands. Addressing themselves to both the new magistrates, they conjured them to make good the promises given by the senate in the consulship of Cassius and Virginus ; and they succeeded with both. Æmilius favoured them (says Dionysius) from a spirit of revenge against the senate, who had formerly refused a triumph to his father, when he returned victorious from a war with the Æqui. And as for Valerius, he was glad of the present opportunity to soothe the people, who could not easily forgive him the part he had acted, when quæstor, in the destruction of Cassius, the ablest statesman and greatest captain of his time,* and the first author of the Agrarian law.

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D. Hal.
b. 9.
p. 607.

“ *Varia fortuna belli, atroci discordia domi forisque annum exactum, insignem maxime comitia tributa efficiunt: res major victoria suscepti certaminis, quam usu. Plus enim dignitatis comitiis ipsis detractum est, patribus ex concilio submovendis, quam virium aut plebi additum, aut ademptum patribus.*” What is said here of the exclusion of the patricians from the assemblies by tribes, is not to be understood generally of all such assemblies; for the patrician magistrates held assemblies by tribes as well as the plebeian. However, it appears by this passage of Livy, that to the assemblies by tribes, for the election of tribunes, the patricians were not to be admitted. Manutius cites the passage as decisive for this.

* Perhaps the reader, when he calls to mind Coriolanus, will wonder why the historian makes Cassius the greatest general of his time; and I cannot resolve the difficulty otherwise than by supposing, that he speaks only of the time when Cassius was dead; that he was then the ablest general in the republic. By the way, it is somewhat surprising, that when the Romans were so grievously distressed by Coriolanus, he made no use of the abilities of Cassius: we hear nothing of him during all that

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Secure of the two consuls, the tribunes brought the affair before the senate, and in gentle, but pressing terms, urged the conscript fathers to suffer the nomination of

war. Why did not they raise him to the consulship when they most wanted such a general?

And this naturally leads me to mention another difficulty which frequently occurs in the Roman story. The consuls were always chosen in comitia by centuries; and the patricians are often represented as having all power there. Thus, for instance, Livy, on occasion of the contest about Volero's bill:—"Plebs Voleronem tribunum refecit. Patres ad ultimum dimicationis rati rem venturam, App. Claudium, Appii filium, jam inde à paternis certaminibus invisum infestamque plebi, consulem faciunt." Liv. l. 2. c. 56.

One would imagine, from these words, that the creation of the consuls was as much in the power of the senate and patricians, as the creation of the tribunes was in the power of the commons. Yet we find, that in the comitia centuriata, the plebeians often prevailed to have those candidates promoted, whom they liked best, and who were known to favour the popular cause. May we not resolve this difficulty, by saying, that the commons were always masters in the comitia centuriata, when they pleased to exert their strength; but that, generally speaking, they had so much respect for the old patrician families, as to leave to them the nomination of persons to fill those magistracies, to which no plebeian could lawfully be admitted? that nevertheless, when any matter, which greatly concerned the interest of the whole plebeian body, was depending, they then took advantage of their superiority to have one popular patrician, at least, in the consulship. The tribunes, with their insolent veto, and the senate, with their knavish augury, could throw obstructions in the way of each other's purposes at these elections. And it seems as if they therefore frequently compromised the matter. "Let us have one consul," said the tribune, "such as we like, and you shall name whom you please for the other." Thus, in the instance just mentioned, the colleague given to Appius was T. Quinctius, a popular man; otherwise, it is highly probable, that the plebeians would have opposed and hindered the election of the other, their known and avowed enemy.

Nothing, here said, will account for the neglect shewn of the abilities of Cassius when they were most wanted; because he is represented as a man agreeable to both parties, till his proposal of the Agrarian law. But doubtless, with regard to the consuls of the year 263, the case was, that the plebeians departed from their usual complaisance for the senate, as thinking the interest of the plebeian order particularly concerned at that time in the choice of the governing magistrates. (See p. 308.) And the same was doubtless the case, when consuls were chosen for the present year. For I apprehend that both Valerius and Æmilius were known to be favourers of the people before their election to the magistracy; and that the reasons, assigned by Dionysius, why they sided with the tribunes in relation to the Agrarian law, are mere conjectures of his own. To believe that Valerius took part with the people from the motive mentioned in the text, we must first believe the story of Cassius's being impeached before the people, by Valerius and his brother quaestor, which, I think, has been shewn to be a groundless tale. It does not appear that Valerius had any hand in the death of Cassius.

And as to Æmilius's resenting the refusal, his father had received eight years before (in his second consulship, 275), from the senate, of a triumph, I conceive the refusal itself to be fabulous, as likewise all that Dionysius says of the petitioner's anger, and his immediately revenging himself, by declaring for the Agrarian law: I conclude, I say, the whole to be fabulous, not only because Livy says nothing of these things, but because we find Æmilius the father raised a third time to the consulship in 280, and as warm against the pretensions of the people as the senate could wish him. And it seems very probable, that both father and son, in imitation of the Fabii (see p. 356), now sided with the tribunes, in order to recover to the family the goodwill of the plebeians, which they must have lost in the former part of the father's third consulship; during which the tribune Genucius was murdered, and the plebeians insulted in the person of Volero. That Æmilius the father presently repented of what he had done in relation to Volero, and made his peace with the tribunes, there seems good ground to believe, since we find that stormy affair hushed at once, each dropping their complaints.

decemvirs for regulating the partition of the lands. The consuls said nothing upon the subject, but asked the opinions of the rest of the senate, beginning with Æmilius's father. This ancient consular declared, he thought nothing could be more unjust, than that a few private men should possess the public estate; that those usurpers ought to be very well content with having held the land several years without molestation. That, not to speak of the natural right which all the citizens of a state have to share in what belongs to the public, the senate was particularly engaged by their own decree, made seventeen years ago,* to divide the conquered lands among the people. He added, that the poor plebeians dreaded the thoughts of having children, to whom they could leave nothing but their own wretchedness for an inheritance; instead of cultivating each the portion of land that belonged to him, they were obliged to work for subsistence, like slaves on the estates of the patricians: and that this servile way of life was not very proper to form the courage of a Roman. "My opinion therefore is, that our consuls do now execute the senate's decree, the execution of which has been hitherto delayed on account of the unquietness of the times, and that they name decemvirs, to make the partition of the conquered lands."

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Appius opposed this advice. He said, that the people could lay the blame of their misery upon nothing but their own intemperance and prodigality; that the consuls had frequently divided among them the booty got in the territories of their enemies, and, upon a thorough inquiry, it would appear, that those who had received the greatest share of it were the poorest. That till their manners were mended no largesses could free them from poverty. That it would be very monstrous if the senate could grant rewards to men who had behaved them-
so shamefully in the field, as they had done the

* The year 267, when the decree was made, and the present year 283, inclusive.

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last year when under his command. That it never was the intention of the senate to divide the lands among the people; that their sole view in granting the *senatus-consultum*, which *Æmilius* spoke of, was to put off the affair, in order more easily to quiet the commotion, raised by the consul *Cassius*: that his immediate successors in the magistracy, to whom the decree was directed, had taken no notice of it, as thinking the partition in question would be mischievous to the republic. That afterward, during fifteen years successive,^y the consuls of none of those years, though in continual danger from the resentment of the people, had thought themselves authorized to name decemvirs in virtue of a decree directed only to the immediate successors of *Cassius* and *Virginius*. He added, "Nor have you therefore, *Valerius*, nor you, *Æmilius*, any authority to name decemvirs for the partition in question, the senate having given you no commission to do it. As to those who have usurped the public lands, whether by force or fraud, if such men there be, let them be summoned to appear before the consuls, and let their titles be legally tried and determined. There is no want of new laws for this, we have laws already written; and they are not obsolete; time has formed no prescription against them."^z

^y It should be fourteen years, the year of *Cassius*, the year of his immediate successors, and the present year being excluded by the context.

^z Mr. Vertot, I know not why, always speaks of the resumption of the lands either as a thing impracticable, or as not to be executed without ruining the senate and all the great men; objections never made by those who opposed the Agrarian law. *Appius Claudius* himself, though against the partition, declares for the resumption; and so did his father in *Cassius's* time, as likewise *Sempronius*, who are the only persons mentioned by *Dionysius*, as then speaking on the subject in the senate.

Though the younger *Appius* now declares for the resumption, as Mr. Vertot himself (following *Dionysius*), relates, yet Mr. Vertot represents this *Appius* saying, that the *senatus-consultum* was granted only to give the people time to see the injustice, and even impossibility of what they demanded, "pour donner le tems au peuple de reconnoître l'injustice et même l'impossibilité de leurs pretensions." This impossibility can relate only to the resumption; the partition admitted of no difficulty. And what made the resumption so difficult? We have the abbot's reasons, where he speaks of this affair in the time of *Cassius*: "Quelque apparence d'équité qu'eut la proposition de *Cassius*, on ne pouvoit en faire une loi, sans ruiner tout d'un coup le sénat et la principale noblesse, et sans exciter une infinité de procès en garantissant toutes les familles de Rome." Why? "Les patriciens qui s'en étoient emparés [des terres conquises] les avoient enfermées de murailles: on avoit dessus des batimens: des troupes d'esclaves faits des prisonniers de guerre." *Vertot*

The majority of the senate came into the opinion of Appius; so that the request of the tribunes was rejected; who, thereupon, enraged at their disappointment, turned their thoughts wholly to revenge themselves on the author of it; and they agreed to bring him to trial for his life before the people.* They named a day for it,

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D. Hal.
b. 9.
p. 610.

tivoient pour le comte des grands de Rome, et déjà une longue prescription couvrait ces usurpations. Les sénateurs et les patriciens n'avoient gueres d'autres biens que ces terres du public, qui étoient passées successivement en différentes familles, par succession, par partage, ou par ventes." Tom. 1. p. 268. 3d ed.

I cannot find any authority Mr. Vertot has for saying that the senators and patricians had hardly any estates but what they had got by usurping the lands belonging to the public. But when he speaks of their usurpations being covered by long prescription, he seems totally to forget the time of which he is writing, the year 267 of Rome. By his own account (p. 64) these usurpations did not begin till after the refugium (in 244 of Rome), twenty-three years before Cassius proposed the Agrarian law. And there is no reason to believe that these usurpations began till after the year 257, when Tarquin died; which Livy makes the date whence the aristocratical domination commenced, and which was just ten years before Cassius proposed the Agrarian law. The republic was reduced to a very low condition after the banishment of Tarquin, by the desertion of all her allies; nor till the defeat of the Latins in 257, had she quiet possession of land enough for the patricians to form out of it such considerable estates for themselves, as Mr. Vertot supposes them to have. So that his difficulties arising from sales, and conveyances, and inheritances, and long prescription, are all a dream.

* Ἐδοξεν οὖν αὐτοῖς πολλὰ βουλευσαμένοις, δίκην τὸν Ἀππίον ὑπαγαγεῖν θάνατον ἔχουσαν τὴν τιμῆμα. Καὶ μετὰ ταῦτα ἐν ἐκκλησίᾳ τοῦ ἀνδρὸς κατηγορήσαντες, παρεκάλουν ἦκειν ἅπαντας εἰς τὴν ἀποδείχθηνσμένην ἡμέραν, ὡς διοστοντας ὑπὲρ αὐτοῦ ψῆφον. D. H. l. 9. c. 54. p. 610.

When any magistrate designed to impeach a person of a crime before the whole people, he ascended the rostra, and calling the people together by a crier, signified to them, that upon such a day, he intended to accuse such a person of such a crime: this they termed *reo diem dicere*: the suspected party was obliged immediately to give sureties for his appearance on the day prefixed, and, in default of bail, was committed to prison.

On the appointed day, the magistrate again ascended the rostra, and cited the party by the crier; who, unless some other magistrate of equal authority interposed, or a sufficient excuse was offered, was obliged to appear, or might be punished at the pleasure of the magistrate who accused him. If he appeared, the accuser began his charge, and carried it on every other day, for six days together, at the end of the judgment mentioning the particular punishment specified in the law for such an offence. This intimation they termed *inquisitio*. The same was immediately after expressed in writing, and then took the name of *rogatio*, in respect of the people who were to be asked or consulted about it; and *irrogatio*, in respect of the criminal, as it imported the mulct or punishment assigned him by the accuser. This *rogatio* was publicly exposed three *nundinae* or market-days together, for the information of the people. On the third market-day, the accuser again ascended the rostra, and the people being called together, undertook the fourth turn of his charge, and having concluded, gave the other party leave to enter upon his defence, either in his own person, or by his advocates.

At the same time as the accuser finished his fourth charge, he gave notice what day he would have the comitia meet to receive the bill; the comitia tributa to consider of mulcts, and the centuriata for capital punishments.

But in the mean time, there were several ways, by which the accused party might be relieved; as, first, if the tribunes of the commons interposed in his behalf; or if excused himself by voluntary exile, sickness, or upon account of providing for a moral; or if he prevailed with the accuser to relinquish his charge, and let the bill fall; or if upon the day appointed for the comitia the augurs discovered any ill omen, and so forbade the assembly. Kennet, part 2. b. 3. chap. 19.

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and exhorted all the citizens to be present. The articles of the impeachment, according to Dionysius, were to be, that he had given pernicious advice against the people; raised sedition in the state; offered violence to the sacred persons of the tribunes; and, when commander of the army, had suffered an ignominious defeat and a terrible slaughter of his soldiers. Never, says Livy, was a man, whom the commons so much hated, summoned to appear in judgment before the people; "Nunquam ante tam invisus plebi reus ad iudicium vocatus populi est;" nor did ever the patricians exert themselves so much in behalf of any man as of Appius, the defender of the senate, the assertor of its dignity, its support, its bulwark against all tribunitian and plebeian tumults, and now exposed to the rage of the commons, only for having been too warm in the contention.

Livy,
b. 2.
c. 61.

Appius himself was, of all the patricians, the only man who despised the tribunes, and the commons, and the impeachment. Neither the menaces of the plebeians, nor the entreaties of the nobles, could move him to depart from his accustomed manner of speaking, and soften the asperity of his style. Once he pleaded his cause, but more like an accuser than a person accused; the same resolute, haughty, disdainful look he was wont to have; the same spirit in his discourse, full of reproaches and invectives: insomuch that many of the plebeians feared him no less now when arraigned at the bar, than they had done when he was consul. His intrepidity and steadiness so astonished and disconcerted the tribunes and the commons, that, of their own motion, they adjourned the cause to another day. Before this came,

"Vobismet ipsa, pontifices, et vestris liberis, ceterisque civibus, pro vestra auctoritate et sapientia consulere debetis. Nam, cum tam moderata iudicia populi sint à majoribus constituta; primum ut ne poena capitis cum pecunia conjungatur: deinde ne, nisi pro dicta die, quis accusetur: ut ter autè magistratus accuset, intermissa die, quam multam irroget, aut judicet: quarta sit accusatio trientem nundinum pro dicta die, qua die iudicium sit futurum: tam multa etiam ad placandum, atque ad misericordiam reis concessa sunt: deinde exorabilis populus, facilis suffragio pro salute; denique etiam, si qua res illum diem aut auspiciis, aut exortatione sustulit, tota causa iudiciumque sublat-
onator?" &c. Cic. pro.

Appius put an end to his own life.^b When his son, who brought the dead body into the forum, was beginning to pronounce a funeral oration on the deceased, the tribunes endeavoured to silence him; but the people, more moderate and equitable, interposed, and would not suffer that so great a man should be hindered from receiving that customary honour; and Livy adds, that they heard him praised, when dead, with as willing an ear, as they had heard him accused, when living; and that a numerous crowd of them attended his obsequies.

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R O M E
283.
B. C. 469.

Fortieth
consul-
ship.
C. 61.
D. Hal.
b. 9.
p. 611.

§. III. THE Romans, during the remainder of this year, were employed in revenging themselves on the Æqui and Sabines, who, taking advantage of the civil feuds at Rome, had made incursions on the territory of the republic.

Ibid.
Livy,
b. 2.
c. 62.

In the following consulship of Aulus Virginius and T. Numicius, the business of the Agrarian law was resumed. An alarm from the Volsci suspended the prosecution of it, but in the end of the year, it was again set on foot. And the multitude, who looked upon themselves as oppressed by the great, to shew their resentment, absented themselves from the assembly, where T. Quinctius* and Q. Servilius were chosen consuls for the next year. They were raised to that dignity by the sole voices of the patricians, and their clients, who, notwithstanding all these divisions, constantly adhered to the party of their patrons.

Year of
R O M E
284.
B. C. 468.

Forty-
first
consul-
ship.
C. 63.

Year of
R O M E
285.
B. C. 467.

Forty-
second
consul-
ship.
*A second
time,

To prevent the breach from growing wider, the new consuls, during all their year, busied the people in various wars. Servilius had great success against the Sabines; yet his glory was not equal to what Quinctius gained by his victories over the united forces of the Æqui and Volsci. In the heat of a battle, and when he was like to be worsted through the enemies' super-

C. 64.
D. Hal.
b. 9.
p. 613,
614.

reports that he died of some distemper, and Dionysius says, that it was so out by his friends, but that in truth he killed himself.

historian does not admit that Appius ever pleaded his cause before

le.

Year of
R O M E
285.
B.C. 467.

Forty-
second
consul-
ship.

Year of
R O M E
286.
B.C. 466.

Forty-
third
consul-
ship.

* A second
time.
Livy,
b. 3.
c. 1.
D. Hal.
b. 9.
p. 615,
616.

Livy,
b. 3.
c. 1.
D. Hal.
b. 9.
p. 616.

riority in numbers, to encourage his left wing to exert themselves, he told them that his right wing was victorious, and by that means he made his left really so. He then hasted to the right wing, and informed them of the advantages which his left had gained, and, by this artful conduct, he put the enemy entirely to the rout. He defeated them the second time, and then took from the Volsci the city of Antium, with its whole territory.

§. IV. THE complaints of the commons, and the dissensions at Rome began afresh in the consulship of Tib. Æmilius* and Q. Fabius. (The latter was the son of one of those three famous brothers who had commanded in the fort upon the Cremera.) We have already seen that Æmilius in his first consulship, had declared for the partition of the lands: the affair was now again debated in the senate: Æmilius persisted in his former opinion. But the majority of the senators, and especially those who were in possession of the public lands, complained much of the liberality of Æmilius, whom they reproached with making his court to the people at the expense of others. His colleague Fabius, to quiet the dispute, proposed an expedient which at first displeased neither party. It was to send a considerable number of the poorest plebeians, to people the city of Antium, which had been almost depopulated by the last war; and to divide among them some adjacent lands, taken from the Volsci. This advice being received with applause, T. Quinctius, A. Virginus, and P. Furius, were without delay commissioned to settle the new colony. But when the poor citizens were to give in their names to those triumvirs to be enrolled, few of them appeared. To send them to such distant habitations (they said), was banishing them from their country. And they chose rather to live at Rome in indigence, the hopes of one day getting a share of the public lands than to be actually in possession of land elsewhere that the triumvirs, to make up the number, ap

for the colony, were forced to receive a mixed crowd of Latins, Hernici, and Volsci.

§. v. AND now Fabius marched an army against the Æqui, and Æmilius another against the Sabines. The expedition of the latter had nothing remarkable in it; but the Æqui submitted to Fabius, first bought a truce very dear, and then obtained a peace, on the condition of being subject to the republic.

Nevertheless, the next year, in the consulship of Sp. Posthumius and Q. Servilius,* some of the Æqui joined the old inhabitants of Antium (who being deprived of their lands, had taken refuge among them), and ravaged the territory of the Latins. These faithful allies of Rome were not allowed to arm in their own defence, nor would the Romans send their troops to defend them. The senate chose rather to appoint a deputation to the council of the Æqui; and Fabius, who had made the peace with them, was at the head of the embassy. He perceived by the indirect answers they made to his demands, that they had no intention to give the republic satisfaction, but only to amuse him. Under pretence, therefore, of visiting their temples and public buildings, he examined their magazines of arms and provisions, some of which he found full, and others filling. The report he made at his return of the preparations for war, which the Æqui, in conjunction with the fugitive Antiates, were carrying on, induced the republic to choose two consuls for the next year, whose names were formidable to those two nations, T. Quinctius,* who had conquered Antium in his second consulate, and Q. Fabius, who had forced the Æqui to sue for peace in his first. Fabius, who was ordered to march against the Æqui, tried first in vain to reduce them by negotiation. The two consuls then joined their forces, and came to a bloody battle with the enemy, near Algidum, miles from Rome, but with little advantage to side.

Year of
R O M E
387.
B. C. 465.

Forty-
fourth
consul-
ship.

* A se-
cond
time.
P. 617.

Year of
R O M E
388.
B. C. 464.

Forty-
fifth
consul-
ship.
* A third
time.
D. Hal.
b. 9.
p. 618.
Livy, b.
3. c. 8.

Year of
R O M E
299.
B.C. 463.

Forty-
sixth
consul-
ship.
D. Hal.
b. 9.
p. 619,
et seq.
Livy,
b. 3.
c. 4.

In the following consulship of A. Posthumius and Sp. Furius, men little skilled in the business of war, the latter commanded the army against the Æqui, while the former stayed behind to cover the country. Furius encamped imprudently, engaged rashly with the enemy, and was defeated; after which he was so closely besieged by them in his camp, that not a man could go out to give notice at Rome of his danger. However, the senate had advice of it, and, in so great a distress, resolved upon an expedient, never used but in cases of extreme peril. They gave up the Roman government absolutely into the other consul's hands, by these words: "Let the consul take care that the republic suffer no detriment.—Videret consul nequid respublica detrimenti caperet." Posthumius, who received the commission, made all take arms who were able, and gave T. Quinctius the command of the army, with the title of proconsul. As soon as Quinctius came within sight of the invested camp, the Æqui left the attack, and retired in haste; but Furius had before made a sally, in which his brother L. Furius, and two cohorts, consisting of 1,000 men, had been surrounded by the enemy, and all slain, having chosen rather to die fighting than surrender their arms. The consul being now equal in numbers to the enemy, acted upon the offensive, and obliged them to retire into their own country. Posthumius likewise attacked a considerable body of their pillagers, loaded with spoil, and made a great slaughter of them: and by these successes Rome was again in tranquillity.

Year of
R O M E
290.
B.C. 462.

Forty-
seventh
consul-
ship.

§. VI. BUT the next year, when P. Servilius Priscus and L. Æbutius Elva,^c held the consulship, a dreadful plague swept away a multitude of the Roman citizens

^c It is not absolutely certain in what month of the year the consuls entered upon their office, from Brutus to this time. Livy tells us, that Servilius and Æbutius entered upon the consulship the 1st of August. It will appear in the sequel of this history, that down to the 600th year of Rome, the consular years began in different months, sometimes in July, sometimes in December, and sometimes in March. Afterward, they began the 1st of January, and continued so to do as long as the rep-

of both orders. The dead were so numerous, that the living threw them into the Tiber, without burial. Upon the news of this mortality, the Æqui and Volsci entered into a league against Rome, which they proposed to besiege. They began the war with committing hostilities in the territories of the Latins and Hernici. These allies applied to the Roman senate for succour; but their deputies found Æbutius breathing his last, and Servilius not far from death. However, the latter made himself be carried to the senate-house, whither some of the senators likewise, half dead, were carried in litters: but all they could do was to give leave to the allies to arm and defend themselves, and to promise them assistance in better times. The Latins and Hernici, not in a condition to take the field, shut themselves up in their towns, and left their country open to the ravages of the enemy, who at length appeared before Rome. Both the consuls were now dead, and the greater part of the tribunes; the plague had carried off one-fourth part of the senators, and the rest, with the other nobles, were most of them sick. The care of the republic had devolved upon the ædiles.

Year of
R O M E
290.
B. C. 464

Forty-
seventh
consul-
ship.
D. H
b. 9.
p. 623.
Livy,
b. 3.
c. 6.

Notwithstanding so many calamities, the Romans seemed to have lost nothing of their wonted steadiness. They crept to the ramparts, and put a good face upon their affairs. Those of the senators who were able, mounted the guard and stood sentinels; and the city was strong on every side. The Æqui and Volsci at length abandoned their project of a siege,^d and marched their forces towards Tusculum.

D. Hal.
b. 9.
p. 624.

In the mean time, the plague still raging, the people turned their thoughts to Divine assistance; all made their vows upon the altars; the women swept the temples with their hair, and continued prostrate in the presence of the gods. From this time (says Livy), the

Livy,
b. 3.
c. 7.

^d Livy represents the enemy as quitting the enterprise through fear of the infection. D. Hal. as repulsed by the Romans.

Year of
ROME
591.
B. C. 461.

Forty-
eighth
consul-
ship.
Livy,
b. 3.
c. 8.
D. Hal.
b. 9.
p. 625.

pestilence gradually abated; and the citizens, recovering health and strength, began to apply themselves to affairs. Several inter-kings were successively appointed to govern the state. Valerius, the third day of his administration as interrex, named Lucretius Tricipitinus and T. Veturius Geminus, consuls. They entered on their magistracy before the middle of August.

Dionysius reports, that one of the tribunes would have immediately revived the affair of the conquered lands; but that the people chose to defer it to a more convenient season, being now entirely bent to revenge the insults they had suffered from the Æqui and Volsci the last year. Even those citizens, whom the laws exempted from going to war, neglected their privileges, and voluntarily enlisted themselves for the service; so that the consular armies were presently formed. It was Lucretius's fortune to engage with the confederates, and he gave them a dreadful overthrow; they lost 13,460 men in the battle, and in their flight after it; and they were soon after defeated again by the forces of the two consuls united. And thus the republic was restored to her former flourishing condition.

CHAP. XX.

Terentian law. 592. SECT. I. During the absence of the consuls from Rome, Terentius Arsa, one of the Tribunes, proposes to the people, that there should be an establishment of fixed laws, to be the rule to the magistrates in deciding causes between man and man. II. Q. Fabius, governor of the city, warmly opposes it, and sends to the consuls in return to Rome. Terentius, on their arrival, suspends the pursuit of his design. III. But the affair is revived in the succeeding consulate of P. Volurnius and S. Sulpitius. Great contests about it. A stop put to it by prodigies and ill omens. IV. The law is again proposed. The contending parties come to blows. Quinctius Cæso, the son of Quinctius Cincinnatus, is cited before the commons for the violent part he had acted in those scuffles. V. He has not courage to appear on the day appointed for his trial. His uncle T. Quinctius appears for him. Cæso is falsely accused of murder. The decision of the cause is deferred to another day; before the coming of which Cæso banishes himself.

§. 1. WHILE Veturius and Lucretius were in the field pursuing the advantages they had gained over Æqui and Volsci, a certain tribune of the commons

named C. Terentius Arsa,* took the favourable opportunity of the absence of those magistrates, to propose a new law of great importance to the people, and tending much to diminish the power of the nobles.

Year of
ROM E
291.
B. C. 461.

Forty-
eigh th
consul
ship.
D. Hal.
b. 10.
p. 627.

During the regal state of Rome, the sole will of the king had been instead of law in all private causes. As the consuls succeeded to the regal power, they likewise succeeded to the prerogative of distributing justice, by themselves or their patrician substitutes. A few, and but few, rules of law were written, and these were in the sacred books, to which patricians only had access. The people in general, wholly occupied in cultivating the lands, and rarely coming to town but on market-days about their domestic concerns, or to be present at the comitia and other public assemblies, holden only on those days, were entirely ignorant of the science of law.

Terentius, in his harangue to the people, urged with great vehemence, that the consular authority was excessive, and insupportable in a free city. That the consuls, independent and uncontrolled themselves, turned all the terror and penalties of the laws against the plebeians. That the state by the erection of the consular magistracy in the place of the regal, had only got two kings instead of one. “But (he added), to put an end to this despotic sway of the consuls, he would prefer a bill for empowering five of the best men in the republic to form a body of laws, whereby those magistrates should themselves be governed, so that for the future, they should not give their will for law, nor exercise any authority over their fellow-citizens, but what those very citizens should intrust them with.”

Livy,
b. 3.
c. 9.

§. II. THE nobles (says Dionysius) were terribly alarmed with the danger of being constrained to have regard to laws in their administration of the public affairs. Fabius,^f who had been twice consul, was at this time

D. Hal.
b. 10.
p. 628.
Livy,
b. 3.
c. 9.

* Livy calls him Terentillus.

Vertot calls this Fabius, a man inviolably attached to the laws and constitution of the republic. We shall find him, by and by, one of the decemvirs who attempt themselves in a perpetual tyranny.

Year of
ROME
391.
B.C. 461.

Forty-
eighth
consul-
ship.

governor of the city. He convened the senate, and inveighed in such terms against both the bill and its author, that the consuls themselves, had they been present, could not have fallen upon the tribune with greater fury, or employed more dreadful menaces. He charged Terentius with taking advantage of the absence of the consuls, to strike at the very being of the republic; adding, "that if, the year before, while the plague made such havock in the city, and foreign enemies laid waste the territory of Rome, the gods in their wrath had permitted a man like him to be in the tribuneship, the commonwealth must have sunk under her heavy calamities: that, doubtless, after the death of the consuls, he would have preferred bills for abolishing the consular government, and in case of failure in that enterprise, have come at the head of the Æqui and Volsci to besiege and assault the city."—Then addressing himself to the other tribunes, and softening his style, he earnestly entreated them to engage their colleague to suspend the prosecution of his design, till the arrival of the consuls. The tribunes complied, and even did more than was asked; for they prevailed with Terentius (as we shall presently see), to drop the business in reality, though in appearance it was only deferred. The consuls were sent for home.

C. 10. Lucretius brought with him to Rome a prodigious booty; and the whole was exposed during three days in the Campus Martius, that every man who had been plundered by the enemy, might take back his own. This procedure gained the consul much good-will, and all agreed that he deserved a triumph for his successful campaign. The triumph was, however, poned, he himself judging the affair of Terentius (then depending) to be of more importance. So days was this debated in the senate and before the ple. At length (says Livy), the tribune yielded majesty of the consul, and desisted; and then Lu

and his army received their due honours. (Veturius had only an ovation.)

§. III. TRANQUILLITY continued not long. For no sooner were the consuls elect, P. Volumnius and S. Sulpicius, entered upon their office, than all the five new tribunes (of whom Virginius was the warmest) exerted their utmost efforts to get Terentius's bill passed.^s Superstition put some stop to the progress of this important affair. Earthquakes gave the alarm; and then fiery meteors, and other phenomena, purely natural, the vulgar considered as forerunners of greater calamities. And when fear had once taken possession of their minds, spectres were seen by some, supernatural voices heard by others. That a cow had spoke, was a tale which had found no credit the last year, but now it was believed; and the more easily on account of a new prodigy (which nobody questioned, and which had no example on record), a shower of raw flesh, of which, as it fell, some greedy flocks of birds caught a part, and the rest lay long on the ground without corrupting, or having any ill smell.

Recourse was presently had to the Sybilline books; and the duumvirs (two patricians) who had the care of them, and perfectly understood them, discovered there, that Rome was by these prodigies threatened with an invasion from strangers, and that the Romans would do well to avoid civil discord. To support the prediction, hasty tidings came from the Hernici, that the Æqui and Volsci, in concert with the new colony of Antium, were preparing to attack the republic. The tribunes laughed both at the prediction, and at the important news; and accused the senators (not without reason) of inventing

Year of
R O M E
892.
B. C. 460.
Forty-
ninth
consul-
ship.
D. Hal.
b. 10.
p. 628.
Livy,
b. 3.
c. 10.

^s Mr. Vertot understands Terentius's bill to have consisted of two distinct articles; first for a limitation of the consular authority, which article he supposes to have dropped entirely; the second, for introducing and establishing a body of written

I cannot perceive that any other limitation of the consular prerogatives was intended by Terentius, than what that body of fixed laws, proposed by him, would necessarily put to it, and what the decemviral laws of the Twelve Tables did actually do a few years after.

Year of
R O M E
292.
B. C. 460.

Forty-
ninth
consul-
ship.

both, to stave off the affair of Terentius's bill. And when the senate had ordered levies to be made for the war,^h and the consuls erecting their tribunal in the forum, would have performed their commissions, the tribunes interposed. If the lictors laid hold of any citizen, who refused to give his name, the tribunes, aided by the multitude, set him free.

D. Hal.
b. 10.
p. 629.

§. iv. NOR did these plebeian magistrates use more violence to hinder the levies, than the nobles did to hinder the passing of the law; which was constantly proposed every comitial day, and was now couched in words to this effect: "that the people, in lawful comitia, should depute ten persons, venerable for their age and prudence, and whose sole ambition was true glory, to form a body of laws for regulating both public and private affairs; that these laws, when compiled, should be proposed to an assembly of the people; and, when approved and enacted by the people, should be fixed up

^h Dionysius says nothing of the intelligence from the Hernici, or the consequent order for levies of soldiers. He represents (b. 10. p. 629.) the senate and tribunes as gravely conferring about the measures proper to be taken for guarding the state against the unknown dangers threatened by the bad omens. He adds, that the assembly agreed upon the expediency of concord in the administration of the public affairs; but could not agree upon the means to effect that concord. Most the nobles yield to the tribunes, or the tribunes to the nobles? The consuls and the chief senators alleged that the tribunes, by attempting innovations in the government, ought to be deemed the authors of all the civil feuds. On the other hand, the tribunes charged the consuls and patricians with being the sole causes of the disturbances, by their unreasonable opposition to a wholesome bill, which tended only to establish a just equality among the citizens. Finding their remonstrances ineffectual, they had recourse to the people.

The same historian reports, that in the assembly to which the tribunes proposed the law, there were many of the elder senators as well as of the younger, who delivered studied speeches against it, and that the debate lasted several days; till the tribunes, vexed at the loss of so much time, refused to hear any more remonstrances, and appointed a day for coming to a final determination upon the question; and when they had exhorted all the plebeians to be then present, in order to give their suffrages by tribes, they dismissed the assembly. That, after this, the consuls and most considerable men of the patricians inveighed in very sharp terms against the tribunes, and protested that they would never suffer the introduction of new laws, which had not first passed the approbation of the senate. They said, (p. 630) "that laws were a sort of compact between all the members of a state, and not rules dictated by one part of it only. That when a part, the ignoble and worse part, took upon them to prescribe laws to the noble and better, destruction must inevitably be the consequence. What right, (said they) have you tribunes, to enact laws or to abrogate laws; your authority is but an emanation from that of the senate? The purpose of your institution was only to succour the poor citizens when oppressed; and this privilege was granted conditionally that you should attempt nothing farther, and you have forfeit this privilege by the changes you have made with regard to the comitia before your elections," &c. Vid. *supr.* p. 277. The historian adds, that after these intulations they had recourse to violence, and that Cæso was their chief instru-

in the forum, to the end that every man might know what were his own rights, and what the rights of the annual magistrates."

Year of
R O M E
502.
B.C. 460.

As, in these assemblies, headstrong temerity and violence prevailed, and there was no room for sober and deliberate counsel, the elder senators seldom appeared there; and the consuls for the most part kept away for fear of exposing the dignity of their office to affronts.

Forty-
ninth
consul-
ship.
Livy,
b. 3.
c. 11.

The conduct of the opposition to the tribunes they generally left to the young, rash, audacious nobles. Conspicuous among these was Quinctius Cæso, a person of high birth (being the son of Quinctius Cincinnatus), approved courage in war, and of an extraordinary size and strength of body. With these advantages he had

Ibid.
D. Hal.
b. 9.
p. 630.

the talent of oratory. The republic could not boast of a braver soldier, or a readier speaker. This youth, when encircled with his band of nobles, as if his strength and eloquence had invested him with all consular and even dictatorial power, stood forth the bulwark of the senate; and not only sustained the most stormy efforts of the tribunes, but frequently drove them and all their plebeians out of the forum. Whoever offered to resist did not fail to be severely treated, stripped of his clothes, and sent away naked: so that the tribunes plainly saw their bill was lost if Cæso were suffered to go on at this rate. Four of them he had quite disheartened by his overbearing violences: but Virginius, who had a spirit not easy to be daunted, cited him to trial before the people, on a capital accusation. Cæso, rather enraged than terrified by this affront, became more insolent and audacious than ever in the war he made upon the plebeians and their tribunes. His accuser, during the interval between the summons and the day for trial, gave

him free scope to hurt himself, and frequently proposed bill, not in hopes of passing it, but to provoke the man to furnish, by new misdemeanours, more for his impeachment, which he failed not to do;

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892.
B. C. 460.

Forty-
ninth
consul-
ship.

and every odious thing done or said by any of the other young patricians, was imputed to Cæso; who, nevertheless, continued forcibly to hinder the passing of the bill into a law. At length Virginius, addressing himself to the plebeians assembled, "You see, Romans, that it is impossible for you to obtain the law you so much desire, while Cæso continues a citizen of Rome. But why do I speak of that law? He stands in the way of your liberty; and, in pride, surpasses all the Tarquins that ever lived. This youth, so audacious and violent while only a private citizen, must doubtless make an excellent magistrate. What think you? Shall we patiently wait till we see him consul or dictator?"

At these words many from among the multitude, and especially those who had been roughly treated by Cæso, vehemently called out to the tribune to persist in the prosecution of the delinquent, and to do his utmost to bring him to condign punishment.

Livy,
b. 3.
c. 12.

§. v. THE day for the trial came; and the plebeians in general, by their warmth and earnestness, seemed to think that their liberty depended on the condemnation of Cæso. Urged therefore by necessity, he, with much inward indignation, went about soliciting the favour even of the meanest among them.¹ His relations and friends made themselves his advocates to the assembly; yet they did not attempt to clear him of the violences laid to his charge, but answered the invectives of the tribunes against him by expatiating on his real merit. His uncle, T. Quinctius, after recounting the honours which he himself and others of the Quinctian name had acquired by their exploits, affirmed that neither his family nor even the Roman state had ever produced a finer

¹ This is Livy's account.

Dionysius (p. 631) says nothing of the timorous and submissive behaviour of Cæso; but, on the contrary, that when he was called upon to plead, he refused to own the justification of the assembly, offering at the same time to submit himself to the judgment of the consuls, whom he regarded as his only lawful judges.

And this historian introduces no other advocate pleading for Cæso, but his father, L. Quinctius Cincinnatus, into whose mouth he puts the substance of Livy imputes to other speakers.

genius, or a warrior of more consummate bravery than Cæso; whom, when he served under him, he had often seen behave himself so gallantly in fight that he had marked him for a prime soldier in the army. Sp. Furius (who had been consul in 289) bore testimony to the successful valour which Cæso had exerted, when sent by his uncle Titus to rescue him and his army out of imminent danger. Lucretius, one of the last year's consuls, covered with fresh laurels, shared his glory with Cæso, enumerating his many valiant deeds both in expeditions and in pitched battles; and he admonished the assembly to make it their choice, that a young man of so excellent natural endowments, and who could not but be a valuable possession to any state to which he should belong, might rather be a citizen of Rome than of any other city. He added, that increase of years would gradually diminish in him that indiscreet ardour and too forward boldness which gave offence, and that experience would teach him the only thing he wanted, prudence. And he pressed them, therefore, that they would suffer to grow old among them so great a genius, whose faults were decaying and virtues ripening.

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R O M E
292.
B.C. 460.
Forty-
ninth
consul-
ship.

L. Quinctius Cincinnatus pleaded likewise for his son, not by extolling his merit (for he feared lest that would serve only to exasperate his enemies), but by humbly entreating the assembly to impute his errors to his youth, and to forgive them for the sake of his father, whom no man could accuse of having injured them in any instance by word or deed.

Virginus, perceiving that the multitude were softened towards the accused by these intercessions, and the merit of the intercessors, and fearing that if Cæso escaped with impunity, the young nobles would become more insolent than ever, answered Cincinnatus, "That his was the more inexcusable, for his having had the example of so good a father, whereby to regulate his conduct, and having totally neglected to follow it." He

D. Hal.
b. 9.
p. 631.

Year of
ROME
398.
B. C. 460.

Forty-
ninth
consul-
ship.

added, "You, Lucius Quinctius, are doubtless in a great measure ignorant of the crimes and misdemeanours of this unworthy son, who is no less a reproach to you, than a plague to his country: but, that you may be better acquainted with his character, please to hear a relation of one of his noble deeds, and compare it with those his exploits in war that have gained him so much glory; and let the assembly judge whether it be advisable to shew indulgence to such a citizen." *

P. 632.
Livy,
b. 3.
c. 13.

Then calling upon one Volscius (who stood prepared to act a part which had been concerted between them), he bid him recount what he knew of Cæso's behaviour. Volscius,^b directing his speech to the people, said, "I could have wished it had been in my power sooner to bring my complaints for the death of a most dear brother whom Cæso murdered. It was in the consulship of L. Æbutius and P. Servilius, when Rome was afflicted with the plague. Returning home one evening, my brother and I, from a friend's house where we had supped, we met Cæso with some of his libertine companions, who together had been making a debauch. They at first attacked us with abusive language, such as young men full of wine are wont to employ when they would insult poor citizens whom they despise. My brother answering one of them as a man of spirit would do, Cæso instantly knocked him down, and with his fists and his feet so bruised him, that he (not perfectly recovered of the epidemic sickness with which he had been seized) remained half dead upon the ground. I had him conveyed home in men's arms, he died presently after, and it was judged that he died of the blows he had received. I could not carry my complaints to the consuls, they dying the same year of the plague. Their successors, L. Lucretius and T. Veturius, were a long time i

* Dionysius makes this Volscius to be one of the present tribunes. Livy had some years before been tribune. According to Pighius there was a Volscius among the tribunes in the consulship of Æbutius and Servilius, when the plague is said to have happened.

the field. At their return I cited Cæso several times to appear before them: but instead of justice I got nothing from him but blows."

Year of
ROMAN
SPES.
B.C. 409.

This story blew the people up to such a rage, that some of them seemed disposed, without examining into the truth of the fact, to kill Cæso upon the spot. The consuls, and even the tribunes themselves, gave a check to this extravagance. But Virginus commanded to lay hold on Cæso and carry him to prison, there to be detained, till he should be brought to trial for his life on Volscius's accusation. The patricians forcibly opposed the execution of this order, and Tit. Quinctius remonstrated to the assembly, that it was utterly illegal to do violence to the person of any citizen unheard and uncondemned, though he were accused of a capital crime. Virginus answered, that he had no intention to punish Cæso before condemnation, but that his person ought to be secured in prison to the day of trial, that the Roman people might have it in their power to inflict due punishment on a murderer. The other tribunes, being appealed to, took a middle way; they agreed that Cæso should not be imprisoned, but should give security to appear in judgment on the day appointed. It was referred to the senate, to name the sum in which each surety should be bound; and Cæso was held in arrest in the forum, during the deliberation of the fathers on this matter; they fixed the sum at 3000 asses.¹ It being left to the tribunes to determine the number of the sureties, they demanded ten; and accordingly ten were bound for Cæso's appearance, and he released. This was the first instance of security given to the public for appearance. Cæso, that very night, left Rome, and retired into Hetruria.

Forty-
ninth
consul-
ship.
D. Hal.
b. 17.
p. 683.
Livy,
b. 3.
c. 13.

When the day fixed for the trial came, it was urged, Cæso having banished himself, all proceedings ought to be stopped; Virginus, nevertheless, held the

¹ About 9l. 15s. 9d. Arbutnot.

Year of
R O M E
292.
B.C. 460.

Forty-
ninth
consul-
ship.
D. Hal.
b. 10.
p. 633.
Livy,
b. 3.
c. 13.

comitia: but the other tribunes being appealed to, dismissed the assembly. The surety-money was, however, rigorously exacted.

Quinctius Cincinnatus would not permit the other sureties to be sufferers; and, to satisfy the whole demand, sold the better part of his estate, retiring to a poor cottage on the farther side of the Tiber, where with his own hands he cultivated a few acres of land, which, from his name, were afterward called the Quinctian Meadows.

CHAP. XXI.

293.
C. Clau-
dius.

SECT. 1. Notwithstanding the violent proceedings of the tribunes against Cæso, the patricians keep steady in their opposition to the Terentian law; and the better to maintain their ground, they get C. Claudius (brother of that Appius Claudius who killed himself) into the consulship. (P. Valerius, now a second time consul, is given him for a colleague.) The tribunes, despairing of victory in a fair open contest, combine together to destroy the better part of the senate; and in order thereto, pretend to have discovered a plot upon the public liberty. Claudius exposes their malice and forgeries before the people, and thereby quashes their wicked design.

D. Hal.
b. 10.
p. 634.
Livy,
b. 3.
c. 14.

§. I. THE tribunes, elated by their new victory, believed themselves now secure of getting Terentius's bill passed. They imagined, that the patricians, intimidated by the banishment of Cæso, would infallibly stoop to them; and they flattered themselves the more readily with this hope, because the elder senators (who kept pretty much out of sight) seemed to yield to them the possession of the government. Vain was their hope; they were totally disappointed. For the younger nobles, and especially the late companions of Cæso, had lost nothing of their boldness; their anger against the commons was augmented, and they had learnt to guide its fury more artfully than before. Whenever the law was proposed, and the tribunes, by attempting to remove them from the assembly, had furnished them with a pretext for violence, they attacked those plebeian magistrates in such a manner, that no one of the assailants could be single out, as more guilty than any other. The people plaind, that, instead of one Cæso, they had now

with a thousand. In the intermediate days, when the law was not in question, no men more peaceable and gracious than these young nobles; they courteously saluted the plebeians, accosted them familiarly, invited them to their houses, frequented the forum to assist them in their causes, and even permitted the tribunes, unmolested, to hold councils of the commons, and do any business they pleased, that of the law only excepted: nay, without so much as throwing out a word of contradiction, they suffered those plebeian magistrates to be rechosen, for the coming year, to the same office; condescensions and compliances by which they gradually softened the multitude, and blunted the edge of their zeal for the law: and by this various management, they effectually defeated every attempt to get it passed, throughout the whole year of Volumnius and Sulpicius.

Year of
R O M E
292.
B.C. 460.

Forty-
ninth
consul-
ship.

These consuls gave place to P. Valerius and C. Claudius (brother of Appius who killed himself), but the bill continued to be the sole object of the public attention. The more the young nobles insinuated themselves into the affections of the plebeians, the more did the tribunes endeavour to instil into the minds of the same plebeians suspicions of those nobles, by loading them with calumnies. They gave out, "That there was a conspiracy on foot; that Cæso Quinctius was actually in Rome; that measures were concerted to murder the tribunes and massacre the commons. That the elder nobles had commissioned the younger to suppress the tribunitian power, that so the republic might be restored to the same form of government in which it was before the secession."

Year of
R O M E
293.
B.C. 459.

Fiftieth
consul-
ship.
Livy,
b. 3.
c. 15.

This is Livy's account (and it is all that he says) of the management of the tribunes to render ineffectual the artifices of the young patricians with regard to the plebeians; and there is nothing incredible or extraordinary in this account. When discord prevails, and factions high, in a city or a state, such slanderous re-

Year of
R. O. M. E.
595.
B. C. 459.

Fiftieth
consul-
ship.
B. 10.
p. 634.

ports, lies of a day, are common." But Dionysius (incited perhaps by his passion for speech-making, or a desire to please the Claudian family) has expatiated on this matter, and given us a long tale, the most material circumstance of which seems equally incredible and ridiculous; and the introduction to his tale is very well suited to it. Rome, says he, was threatened with a more terrible war from the neighbouring powers than it had ever yet sustained. And this danger it was brought into by its intestine divisions, conformably to the prediction of the sybilline oracles, and the forewarnings of heaven by the last year's prodigies, the spectres, miraculous voices, shower of raw flesh, &c. [What the cow said, was spoken the year before.]

The tribunes, perceiving that the consul Claudius had inherited the implacable hatred of his family to the commons, and was prepared to oppose their demands with all his power; and finding the faction of the young nobles too strong to be quelled by force, especially since these, by their caresses and soothing arts, had conciliated to them many of the plebeians, and cooled their ardour for passing the law; they, in order to strike a terror into the plebeians [so gained], and to get the better of Claudius, impudently contrived the following stratagem. Having first alarmed the multitude, by spreading abroad various rumours, all importing mischief that hung over the state, the five tribunes sitting in the forum from morning to night, and seeming full of anxious care, held consultations, to which they admitted no other person. This part acted for some days, they forged a letter, and caused it to be delivered to them in the sight of all the people by a person unknown. On reading the contents they start from their seats, strike their foreheads with their hands, put on looks of extreme surprise and sor-

* Mr. Rollin thinks it not improbable that the tribunes had received some secret information of the conspiracy which presently after broke out, and of Herdonius the Sabine was the conductor; and that, by their hatred to the people, they were carried to suspect these, their domestic adversaries, of the malignant designs formed by a foreign enemy.

row, and, when by all this they have drawn about them a numerous crowd (earnest to know what the letter contained), “ Romans (says Virginius), the commons of Rome are in the utmost peril. If the gods, protectors of innocence, had not interposed, we had been inevitably undone. Be pleased to remain here till we have acquainted the senate with our intelligence, that so all may unite in taking measures for the preservation of the republic.” This said, away they went to the consuls. While the consuls assembled the senators, various were the discourses and imaginations of the people in the forum, concerning the contents of the letter. The emissaries of the tribunes, following their instructions, put about reports expressly contrived for the occasion. The rest believed and spoke each man according to his fears. Some said, the letter doubtless, imported, that Cæso Quinctius had been chosen general of the Æqui and Volsci, and was coming with a numerous army to attack Rome. Others knew for certain, that Cæso’s business was only to crush the commons of Rome, deprive them of their privileges, and abolish the tribuneship; and that with the universal consent of the patricians, he had undertaken to do this by the means of a foreign army. No (said others), not all the patricians are in the conspiracy, but the younger of them only; and many affirmed that Cæso was not coming, but was already in the city, though concealed, and was actually contriving with his associates to seize the fortresses and all the advantageous posts.

Year of
ROM E
295.
B.C. 450.

Fiftieth
consul-
ship.

D. Hal.
b. 10.
p. 635.
et seq.

The senate being assembled, Virginius, in the name of the whole college of tribunes, delivered himself in words to this effect :

“ Many rumours, conscript fathers, have of late prevailed in the city, concerning some great evil with which we are threatened; but as they were uncertain and deficient proof, we durst not report them to you, lest our lying should raise a commotion, and you should think

Year of
ROME
293.
B.C. 459.

Fiftieth
consul-
ship.

us more hasty and rash than prudent. We did not however neglect these rumours, but used our best endeavours to discover the ground of them. At length the Divine Providence, perpetual guardian of this republic, has brought to light the hidden counsels of impious men. We have just received a letter from strangers, who have shewed that they have a true affection for us, and whom we shall hereafter name to you. Our foreign intelligence agrees exactly with the rumours at home. The danger presses; measures towards it must be immediately taken; but we resolved (as was fitting) to lay the matter open to you, before we inform the people of it.

“ Know, then, that there is a conspiracy formed against the commons of Rome, by persons of distinction; among whom, it is said, there are some, not many, of the elder senators; that the greater number of the conspirators are knights, not yet received into the senate, and whom it is not yet time to mention by name. They have resolved (so we are informed) to take the opportunity of some dark night to attack us in our sleep. Breaking into our houses, they are to cut the throats of the tribunes, and of all those plebeians who have distinguished themselves by a zeal for the liberty of the people. And when we are once taken off, they think they shall easily prevail with you to revoke, by a unanimous decree, all the concessions you have made to the commons. And, as they saw that a considerable number of foreign soldiers would be necessary for the execution of this design, they have associated in their enterprise one of your exiles, Cæso Quinctius, and have made him the chief conductor of it; a man whom, though convicted of sedition and murder, some, here present, rescued from punishment by contriving his escape from Rome. To him the conspirators have promised magistracies and honours, and other rewards of his noble exploits. He, on his part, has engaged to bring to assistance, of the Æqui and Volsci, such a force a

want. In a short time he is to be here with some of the most daring of them, whom he is to introduce into the city, not altogether, but secretly one by one, or in small numbers successively. The rest are soon to follow, and, when we the tribunes are slain, fall without mercy upon every poor plebeian, who shall offer to defend his liberty.

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“In this extremity of danger we have recourse to you, conscript fathers, and conjure you by all that is most sacred, not to abandon us to the rage and cruelty of these our wicked enemies; but to aid us in taking due vengeance on the authors of so detestable an enterprise. The first thing we humbly entreat of you is (and nothing can be more reasonable), that by a decree you authorize us tribunes to take informations against the conspirators. It is surely fitting, that, in such an inquisition, the persons whose lives are threatened by the plot, should be the inquisitors. If there be any man here, who shall oppose this demand, he must either be out of his wits, or deeply engaged in the conspiracy.”

The senators were greatly astonished at this relation, and no less perplexed by the tribunes' request: they laid their heads together, but could not resolve what answer to make. They feared to grant what the tribunes demanded, and they feared to refuse it. Claudius, the consul, suspecting some deceit, delivered them out of their dilemma. Rising up, he thus answered: “You are extremely mistaken, Virginius, if you imagine that any member of this house is so foolish, or such an enemy to the people, as to be against an inquiry into the plot you speak of (if any such plot there be), or against admitting the tribunes into the number of the inquisitors. But, to tell you my mind freely (and I have apprehension of being thought one of the conspirators), I look upon this whole matter as a pure invention and stratagem of your own, to revenge yourselves on us in opposition to your bill. If there be any plot on

P. 637.
et seq.

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foot, you are the plotters. The result of those long and close consultations you held in the forum was this notable scheme. You were first to alarm the people with rumours of impending danger, and by this prepare their minds to receive implicitly any dreadful story you should afterward please to give out. Then a person unknown was to deliver to you in public, a letter containing intelligence of a conspiracy against the commons of Rome. Thus furnished with matter of complaint, you were to come to the senate, be very angry, and demand a decree empowering you to sit inquisitors on this important affair. Thought you, 'If the patricians reject our request, we can take occasion from thence to make them very criminal in the eyes of the people, who, exasperated to the pitch of fury, will be ready to execute whatever we shall prompt them to; on the other hand, if the patricians grant our request, we will then charge with treason all those of them, old and young, who have shewn the most resolution in opposing our measures. The fear of a condemnation will either make them promise never more to oppose us, or compel them to leave the city. And thus we shall reduce our adversaries to a very inconsiderable number.'

"Such, conscript fathers, was the stratagem formed against the most worthy of our senators, such the snares laid for the innocent knights. And that what I say is true, a few words will evince.—Tell us, Virginius, and you, the rest of the tribunes, all in such imminent peril, who are those strangers from whom you received your intelligence? Where do they dwell? How came you acquainted with them? And how came they to be so well acquainted with our councils and designs? Why delay to tell us who they are? Why promise to name them hereafter? You ought to have done it already. And where is that man, who brought you the letter talk of? Why do not you produce him, that examine him, and thereby know whether what y

have any foundation of truth, or be only (as I suspect) a tale of your own forging? And then as to your domestic intelligence, which agrees so perfectly well with your foreign, what was it? Who gave it you? What makes you conceal your proofs, and not rather display them before us? but, in truth, it is not easy to prove what never was, nor is, nor will be.

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“Conscript fathers, the thing speaks itself. The tribunes have formed a plot against us, and they would cover their fraud, by pretending that we have formed one against them. You may thank yourselves for this. You encouraged them to it, by arming those frantic magistrates with such power, as you suffered them to assume, when they condemned Cæso Quinctius, the brave defender of the nobles, upon a false accusation. Since that time they keep no measures. They no longer point their wrath at this or that particular senator, but at the whole body of the patricians; they are for driving every honest man out of Rome. My advice is, that you keep a very watchful eye upon these tribunes, as upon seditious men, the contrivers of mischief. And I shall make no difficulty to warn the people, as I warn you. I shall freely tell them, that they have nothing to fear, but from the malicious devices of their own deceitful magistrates, who, under the cloak of friendship, are their greatest enemies.”

The whole senate highly applauded this discourse of P. 699. Claudius; they would listen no more to the tribunes; and the assembly broke up. Virginius with his colleagues hastened back to the people (who in the forum waited their return), and inveighed most bitterly against the consuls and senators. Claudius presently appeared, and, by repeating what he had just said in the senate-house, convinced all the sober-minded, sensible men of his audience, that the pretended plot was a mere forgery. The weaker sort, however, continued to believe it true; as for the profligate and ill-intentioned part of the

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multitude, men greedy of novelties, they did not care whether it were true or not : all they wanted was a pretext for sedition.

Such is the story Dionysius has given us, of the deep-laid scheme, the wonderful contrivance of the tribunes to prevent any farther opposition to their bill. They gravely and pathetically request of the senate to erect them into a court of inquisition for examining into the treasonable practices, and disposing of the liberties and lives of the Roman senators and knights. And the ground of this modest demand is a letter which they pretend to have received from some strangers, advising them of a plot formed by the nobles of Rome against the commons. The senators, though they lay their heads together, are embarrassed, and much at a loss for an answer. But the consul Claudius being a man of deep penetration, and a ready wit, it comes into his mind to ask the tribunes, "Who sent the letter? and who brought it?" And they would not tell; and so there is an end of the matter.ⁿ

ⁿ Mr. Vertot is so fond of this story, that he has given himself the pleasure to improve it. Dionysius imputes to the tribunes no other aim in their device, but to terrify the plebeians, and make them entertain a suspicion of those young nobles who affected popularity. And when he introduces Claudius as an orator, displaying the malice of the tribunes, the worst charge he puts into his mouth against them is a design to compel, by fear of condemnation, the most vigorous opponents of their bill, either to desist from their opposition or to leave the city. But Mr. Vertot roundly asserts, that the tribunes secretly formed the dreadful design of cutting off at one stroke the better part of the senate, and of involving in the same ruin all the patricians, who on account of their credit or riches were odious to them and suspected by them : "Ils formèrent secrètement l'affreux dessein de faire périr tout d'un coup la meilleure partie du sénat, et d'envelopper dans leur ruine tous les patriciens qui leur étoient odieux et suspects par leur crédit ou par leurs richesses." The Abbé forgets that in these days the Romans were not so thirsty of civil blood. They could be very angry with one another, and belie one another, and box and kick, but were not disposed to murder in their quarrels. And it is not a whit more probable that the tribunes projected such a terrible slaughter of the nobles, than that the nobles projected a massacre of the tribunes and other principal men of the plebeians. Nay, if we may judge of the honesty of the parties, by the cause in dispute, the tribunes will have the advantage. For their bill, which the patricians opposed by illegal violences, was a very good bill, and tending much to the benefit of the commonwealth.

CHAP. XXII.

SECT. I. These civil broils among the Romans encourage one Herdonius, a private Herdonius Sabine, to attempt the conquest of Rome. At the head of 4000 men he sur- prises the capitol. The tribunes take advantage of this public distress, and be- fore they will consent to let the people arm, insist upon a promise from the con- suls, that they will not oppose the passing of the Terentian law. Claudius rejects the condition, but Valerius makes the promise required, and prevails with the people to march against the enemy, and take an oath not to lay down their arms without the consuls' leave. Valerius is killed in the attack of the capitol. Never- theless the Romans carry the place, and Herdonius is slain.

§. 1. **IN** the midst of these intestine quarrels and com- motions, the capitol, and the fortress adjoining to it, were one night surprised and seized by 4500 men, outlaws and slaves, under the conduct of a certain Sabine named Appius Herdonius. He put to the sword all the Romans he could find there, who refused to join him in his enterprise. Those who escaped ran down into the forum with the utmost speed of fear, crying out, "To arms! To arms! The enemy is in the city." The consuls not knowing whether this sudden evil came from foreign or domestic foes, from the discontent and enmity of the commons, or a plot of the slaves, were both afraid to arm the plebeians, and afraid to leave them unarmed; nor could they bring the multitude, struck with consternation and affright, under any government; sometimes their endeavours to appease the tumult made it more stormy. They gave out arms, but not to all indifferently; to such only as they could most confide in; a number sufficient for defence, till it could be known what enemies they had to deal with; and, full of anxiety, they passed the remainder of the night in posting guards at all the proper places. Daylight discovered both whence the war came, and who was the conductor of it. Herdonius from the capitol cried out, Liberty to all slaves! I have undertaken the cause of miserable, to restore the exiles to their country, and to free the heavy yoke of servitude from the necks who bear it. It would be my choice, that the

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Livy,
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c. 15.

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C. 16.

Roman people should themselves do this. But if they refuse, I will bring hither the Æqui and Volsci, and leave nothing unattempted to accomplish my purpose."

The mystery being now somewhat explained, the consuls and senators became very uneasy with the apprehension, lest the enterprise should have been concerted with the Sabines and Veientes, whose forces would presently appear to support it; and lest the Æqui and Volsci, eternal enemies of Rome, should now come, not to plunder the frontiers as formerly, but to assault the city. But their greatest dread was of their slaves at home, no man knowing but he had an enemy in his own house. It was dangerous to trust them, and dangerous to shew a distrust of their fidelity. Affairs seemed in so desperate a condition, that even concord among the citizens would scarce be sufficient to preserve the state; and while such heavy calamities hung over it, nobody feared any thing from the tribunes or the plebeians. The evils of which these were wont to be the authors were of a gentle kind, and ever occasioned by the absence of all other evils; and the terror of a foreign enemy seemed now to have laid asleep the animosity of the commons. Nevertheless, it was this that bore heaviest upon the republic when thus inclining to a fall. For as the consuls had at first doubted whether the alarm from the capitol were not some stratagem of the tribunes in favour of their bill, so the tribunes suspected the same alarm to be a contrivance of the nobles to defeat the bill. They bawled out, "No invasion! An imaginary war! A trick to make us forget the bill! The bill once passed, those clients and guests of the patricians will steal away more silently than they came!" Instantly they send to the people to quit their arms, and assemble upon the affair of the law. In the mean time the consuls convene the senate; and the fathers are now struck with more fear by the tribunes than they had been by the night invasion of the enemy. Word is brought that th

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diers have laid down their arms, and quitted their posts. The consul Valerius rushes out of the senate-house, hastens to the forum, expostulates with the tribunes "on their madness in calling the people from their arms to attend to law-making, while the enemy is over their heads.—Are you then in confederacy with Herdonius? He who could not entice our slaves to join him, has he drawn you to his party?" Then turning to the people, he urges them with motives from religion, "their reverence for Jupiter, Juno, Minerva, all the gods and goddesses now prisoners to a foreign enemy, nay, in captivity to slaves.—O father Romulus, inspire thy people with the same spirit which animated thee, when thou didst bravely recover the citadel from the Sabines! Move them to march in the same path, by which thou didst conduct thy army! lead them on! As far as a mortal can follow a god, I will be the first to follow thee and tread in thy steps." He concluded with declaring, "that he then called every Roman to arms; and that, without regard to the bounds of the consular authority, or the extent of the tribunitian, or the *leges sacratæ*, he would treat every citizen who disobeyed his orders as an open enemy to his country. That the tribunes, who had forbid them to fight against Herdonius, might, if they pleased, command them to take arms against Valerius the consul: but that he should make no scruple to do by those magistrates as the founder of his family had done by the Tarquins."

All this was of no effect. "The bill! The bill! Let ^{Ibid.} us pass the bill!" Yet the tribunes were not able to proceed in this affair; nor could the consul prevail with the people to march to the capitol. Night put a stop to the contention. During the night, fear of the armed citizens, whom the consuls had at their devotion, kept the tribunes quiet. These out of the way, the senators diligently about among the plebeians, admonished and entreating them to consider, "into what ex-

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tremitv of danger they brought the republic. That the contest was not now between the nobles and the commons, that both nobles and commons, the citadel, the temples of the gods, the tutelary gods of the state, the domestic gods of every private citizen, were just upon the point of being yielded in the power of foreign enemies." While the senators were employed in these attempts to bring the multitude to reason, the consuls, lest the Sabines and Veientes should come suddenly and attack the city, busied themselves in posting guards to defend the gates and walls. At daybreak a body of men appeared in the field, advancing towards Rome. These at first could be no other than enemies, they must be the *Æqui* and *Volsci*; however, to the great joy of the city, they were soon discovered to be *Tusculans*, coming to the assistance of the Romans, their allies.

C. 18. The news of the capitol's being surprised, and of the dissensions in Rome, having the night before reached *Tusculum*, *Mamilius*, the chief magistrate of the place, had represented to the council, that they could never hope from the gods so fair an opportunity of obliging a powerful and neighbouring state, and had persuaded them to prevent all application from the Roman senate for succour. These forces, admitted within the walls, marched straight to the forum, where *Valerius* (having left his colleague to defend the gates) was drawing up his men in order, for battle. He had prevailed with the plebeians (in spite of all the clamours and remonstrances of their tribunes) to enlist themselves, and take the military oath, by giving them his solemn promise, "that the capitol once recovered, and the city restored to quiet, if they would then suffer themselves to be informed of the deceitfulness of the tribunes, and the mischiefs concealed under their specious law, he, for his part, calling to mind his ancestors, and that surname together with which they had transmitted to h

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cola.

hereditary concern for the interests of the people, would give no disturbances to the councils held by the commons."

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And now the Romans and their auxiliaries, rivals for the glory of retaking the capitol, briskly advanced, and forced their way up the hill, notwithstanding the enemy's advantage of the ground. They had reached the portico of the temple, when Valerius, fighting in the foremost rank, received a mortal wound. Volumnius, a consular person, who saw him fall, instantly covered his body, took his place and his charge, and kept the men so warmly and intently engaged in the attack, that they gained the victory before they perceived that they had lost their general. Great was the slaughter of the invaders, the temple polluted with their blood, Herdonius himself slain;° the prisoners punished suit-

° Livy's relation (brief as it is) of this adventure has been followed in the text. He called Herdonius a Sabine, but says nothing of his character, his rank, or the situation of life he was in, when he undertook to seize the capitol; or of the ultimate end he proposed to himself in that enterprise; nor does he inform us how, or from whence, Herdonius collected such a number of exiles and slaves, or what made it so easy for him to possess himself in the night of the temple and citadel. Probably the Latin historian had not sufficient light into these particulars. But Dionysius, who is rarely ignorant of any thing knowable or unknowable, tells us, 640, that the Sabine, Herdonius, was a man of distinction in his own country for his birth and riches; that those who followed him in his undertaking were his own clients and domestics, to the number of about 4000, and that he purposed to destroy the Roman power. However, the historian cannot say, whether by this destruction Herdonius meant to make himself tyrant of Rome, or to subject Rome to the Sabines, or only to acquire a great name by his exploits. When he had prepared a sufficient quantity of arms, provisions, and all things necessary for the expedition, he embarked his 4000 men on some river-boats, which gliding down the stream of the Tiber, he arrived at Rome about midnight, when all was quiet; landed on the bank of the river next the capitol, and not above a furlong from it. That the gate Carmentalis, at the foot of the hill, being always, by the express command of an oracle, left open, he there entered, and silently mounting the steep ascent, seized the temple and fortress. That he hoped, when possessed of this strong place, to be joined by the exiles, the slaves, the insolvent debtors, and all the worst part of the Roman populace, whose wretchedness, he thought, held them ready for any change that could be proposed: he placed great confidence in the discord raging at Rome, imagining that the plebeians would not unite with the patricians to oppose him. And in case these hopes failed, he resolved to invite to his assistance a numerous army of Sabines and Volsci, and other neighbouring nations, who would be glad of an opportunity to shake off the insupportable yoke of the Roman government. Herdonius was disappointed in every expectation. Neither the exiles, nor the slaves, nor the debtors, nor the indigent populace of Rome, repaired to him. Nor had the strangers, on whose aid he so much depended, the time necessary to prepare for the war; for the whole affair was over in three or four days.

this relation, given by Dionysius, I shall only observe, that this well-born, and powerful Sabine, so much at his ease at home, must have been some-
to embark in such an enterprise without a previous approbation of it by

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ably to their respective ranks of freemen or slaves. The Tusculans received the public thanks. The temple was purified; and the people are said to have cast farthings into the house of Valerius, in order to his more pompous funeral.

the governors of his own nation; any preparation on their part to assist him in it, or even any promise of assistance from them, or from any other of the neighbouring states; and without having any intelligence with the discontented in Rome. And then for his collecting so many boats on the Tiber as would hold 4000 men, with the provisions necessary for their subsistence, and his stealing down the stream with his fleet, from Sabinia to the middle of Rome, without being discovered in his passage, or till he reached the capitol, these things are absolutely wonderful.

As to what passed in Rome while Herdonius possessed the capitol, the Greek historian reports, p. 641, that when the plebeians, at the instigation of their tribunes, refused to arm, unless the Terentian law were first enacted, the consul Claudius declared, there was no need of their assistance; and exhorted the patricians to march with their clients against the enemy; and if more strength were wanted, call to their aid the Latins and Hernici, or even promise liberty to the slaves, and employ them, rather than solicit succour from unworthy citizens, who, when the state was in such calamitous circumstances, revived old quarrels; but that his advice was not approved by his colleague or the senators, who thought it expedient to yield to the times.

That Valerius, to gain the multitude, swore to them, that if they behaved themselves well in the present exigence, so as to restore quiet to the city, he would suffer the tribunes to propose the law, and would take care, that what the people determined should be put in execution before his consulship expired.

The plebeians hereupon enlist themselves readily for the war, and march with alacrity under Valerius to the attack of the citadel; in describing which attack the historian is as particular and circumstantial as if he had been there, but by his detail makes that appear impracticable, which he says was effected. See p. 642.

CHAP. XXIII.

SECT. I. C. Claudius is cited by the tribunes to perform the promise of his deceased colleague. He defers it under various pretences; and at length refuses to do any thing in the affair, till a new consul be elected in the room of Valerius. L. Quinctius Cincinnatus is chosen to that dignity in his absence, to the terror of the people who had so lately banished his son Cæso. The deputies from the senate who carry Quinctius the news of his election, find him driving the plough. II. He comes to Rome, convenes a general assembly, reproves both senate and people for their past behaviour, and threatens the latter (whose oath of obedience to the consuls was still binding) to lead them into the field, and make them pass the winter there. By this and other arts, which he employs, he makes the tribunes desist from their pursuit of the Terentian law. III. Virginius Volscius, and the other tribunes, get themselves continued in their employment for another year, notwithstanding a decree of the senate expressly made to hinder any citizen from standing two years together for the same office. The senate hereupon are for continuing Quinctius a second year in the consulate, but he rejects the motion with indignation, and reprimands them for shewing so little regard to their own decrees. The fasces are transferred to Q. Fabius and L. Cornelius; and Quinctius returns to his plough. The questors commence a prosecution against Volscius, for having borne false witness against Quinctius's son Cæso; but the tribunes put a stop to it, and the senate make this a pretext for continuing their opposition to the Terentian law.

Quinctius
Cincinnati-
natus.

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§. I. THE enterprise of Herdonius thus defeated, and peace restored, the tribunes without delay called upon the senators to perform what Valerius had promised; and they pressed Claudius to free the manes of his colleague from the guilt of treachery, by suffering the people without molestation to proceed to the affair of the law. Claudius, to elude this demand, insisted on the necessity of a new consul in the place of Valerius, before that business could regularly be brought into debate. The time passed in disputes on this head till the month of December, when, the centuriate comitia being held for the election, L. Quinctius Cincinnatus, through the indefatigable industry of the nobles, was appointed to the consular fasces.^P It was a thunderstroke to the plebeians to see themselves fallen under the government of a magistrate of great personal merit, great credit, and highly provoked against them by their banish-

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Livy,
b. 3.
c. 19.

^P According to Dionysius (p. 664), Quinctius was at his farm, actually following the plough, and much astonished, when his election to the consulship was notified to him. But it is not probable that so worthy a patriot, living so near the city, should have been forward to assist in recovering the capitol from Herdonius, than the Tuscan. Nor is it likely, if he came to Rome on that occasion, that he should be ignorant of the universal combination of the nobles to raise him to the consulship, or that he should have been in the city before his election.

It is nothing of the plough till Cincinnatus is chosen dictator.

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ship.

ment of his son Cæso, and who had three other sons in magnanimity not inferior to Cæso, in prudence surpassing him.

Cincinnatus had no sooner entered on his office, than he began to bluster like a man angry with every body, and determined to be a severe reformer of manners. He sharply reprovèd the senators for their meanness of spirit, and want of resolution, in suffering the same men to be continued in the tribuneship from year to year, men who with noise and foul language, lorded it over the state, as if it were some disorderly house which they kept. "Courage, constancy, every virtue civil and military, was driven from Rome with my son Cæso. Babblers, sowers of sedition, reign here like kings with perpetual and absolute sway. What! did you march your troops (with reverence for Caius Claudius and the dead Valerius be it spoken), did you march up to the capitol, before you had cleared the forum of those enemies, Virginius and his colleagues? Did Virginius deserve less punishment for not being in the capitol, than Herdonius for having seized it? by Hercules, he deserved greater. Herdonius declared himself your enemy; he put you upon your guard. Virginius, by denying there was any war, would have disarmed you, exposed you naked and defenceless to your slaves and exiles.^a What a shame, in the sight of gods and men, that the Tusculans should be before us in arming for our defence; that it should be doubtful whether Mamilius, the Tusculan general, or our consuls, recovered the capitol! And this is what you, tribunes, call succouring the plebeians, exposing them to be slaughtered by the enemy! Jupiter, the most high, the all-good, was not worthy to be rescued, when beset by slaves and exiles: but your persons are sacred and inviolable! And do you flatter yourselves, that thus covered over with crimes against god

^a From this expression it would seem, that the slaves whom Herdonius so were some who had run away from their Roman masters.

and men, you shall pass your bill this year? Unfortunate was the day when I was chosen consul, more unfortunate than that in which Valerius was slain, if you even offer to prefer your bill. But no more of that at present. I now give you notice, that my colleague and I intend to march the legions against the Æqui and Volsci. I know not by what fatality it so comes to pass, but the gods are ever more favourable to us in war than peace."

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The consul quite stunned the multitude by this menacing speech. A winter campaign was a dreadful thought. The patricians began to lift up their heads; their affairs seemed to be upon the recovery. Claudius, who had spirit enough to join in a bold enterprise, but not the sort of courage necessary to form one, readily suffered his colleague to take the lead on this occasion, yet he talked as big as if he had been the author of the measure; he would do wonderful things, yes, he would shew himself to be a consul. The tribunes scoffed at them both. "And where (said they) will you get the army which you are to lead into the field? We shall suffer no levies to be made."—"We need none (answered Quinctius); the troops which Valerius enlisted for retaking the capitol, all swore to rendezvous at the consul's command, and not to disband themselves without his permission; and we strictly enjoin every soldier, who took that oath, to appear in arms to-morrow, at the lake Regillus." To which the tribunes replied, "that the oath did not bind the soldiers to his obedience, who was then only a private man." However, this evasion did not satisfy the consciences of the people. "That contempt for the gods, so prevalent in our age (says Livy), had not in those days begun to make its appearance. Men did not by interpretations contrive to make the laws and laws suit their private desires, but suited their actions to their oaths and to the laws." The tribunes finding their cavil about the oath would

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not do, turned their thoughts to prevent, by some other means, the march of the troops from the city: for Quinctius talked of the expediency of passing the whole winter in the field. And the more to terrify both the commons and their magistrates, he declared, and often repeated, "that [at his return from the war] he would hold no comitia for electing consuls; that the state was too much distempered to be cured by ordinary remedies: that it needed a dictator, who would make all disturbers of the peace feel the weight of an authority from which there lay no appeal."

Ibid.

C. 21. The senate were at this time assembled in the capitol. Thither ran the tribunes, with the plebeians, all in consternation, at their heels. The multitude, with loud voices, called out sometimes upon the fathers, sometimes upon the consuls, to compassionate their case. Quinctius would listen to no entreaties, till the tribunes had promised to abide by what the senate should judge fit to be done. Then he reported their petition to the fathers, who thereupon made a decree, "that the tribunes should no more prefer their bill this year, and that the consuls should not lead an army from the city:" and the decree declared farther, "that in the judgment of the senate, to continue the superior magistrates in their office after the expiration of their year, and to re-elect the same tribunes, were both contrary to the welfare of the republic."

* Livy tells us, that what contributed to frighten the plebeians into submission, was a rumour spread, "that the augurs had been directed to repair to the lake Regillus, in order to consecrate a place for holding comitia, where every article which had been carried at Rome, in favour of the commons by tribunitian violence, would be abrogated: since the consuls would there be masters, and the tribunes, whose right of opposition did not extend beyond a mile from the city, would, if they came there, be upon the foot of private men."

Dionysius says nothing of this: nor does it seem probable that the people should be alarmed with the apprehension of a design which certainly could never take place. For had it been practicable to any purpose, it would long before have been put in execution.

The only struggle in the minds of the people at this time, seems to have been between the military oath and the winter campaign; and, to the honour of the soldi, the oath carried it; they had recourse to entreaties for avoiding the cold. The character of Quinctius, and his manner of life, had no small share in bringing the plebeians to submission, for the present. It is observable, how much

Thus were all commotions calmed for the present; and Quinctius, during the remainder of his consulship, kept things quiet by a patient, candid, and equitable conduct in hearing and deciding causes between man and man, to which business he chiefly applied himself.

Year of
ROME
293.
B. C. 459.

Fiftieth
consul-
ship.
D. Hal.
b. 10.
p. 645.
Livy,
b. 3.
c. 21.

But, notwithstanding the senate's decree before-mentioned, and the warm remonstrances of the consuls, Virginius and his colleagues prevailed to get themselves rechosen by the people to the tribuneship. The senate, to be even with them, were for continuing Quinctius in the consulship (not doubting to carry his re-election in the comitia by centuries). Never did Quinctius, during his whole administration, exert more spirit, or express a more vehement anger, than on this occasion. "Little cause to wonder, conscript fathers, that the plebeians make light of your authority! you trifle with your own decrees. What! are you in competition with the multitude, to try which shall surpass the other in levity and inconstancy? Is this the contest in which victory is to give the victors the chief power in the republic? The headstrong multitude have broken through your decree, and, therefore, you will do the same! An excellent example truly you have chosen to follow! For my part, I shall not imitate the tribunes; I will not suffer myself to be re-elected to my office. And I exhort you, Caius Claudius, to restrain the Roman people from such licentious proceedings." The fathers hereupon issued an edict, "forbidding all persons to name Lucius Quinctius at the next election, for one of the consuls; and declaring, that if any one did, his vote should not be admitted."

The comitia being held, they gave the consular fasces to Q. Fabius Vibulanus* and L. Cornelius Ma-

Y. R. 294.
B. C. 458.

luginensis.

Upon advice that the Æqui and Volsci were making

Fifty-first
consul-
ship.
*A third
time.

did suffer themselves to be hector'd by this ploughman consul, than by an

Year of
ROME
294.
B. C. 458.

Fifty-
first con-
sulship.
Livy,
b. 3.
c. 22,
23.

great preparations for war, the new consuls* summoned the allies to furnish their contingents of troops for the service. An army was formed, one-third Romans, two-thirds Latins and Hernici. Fabius had the conduct of it, and entirely routed the enemy near Antium:

In the mean time a body of the Æqui surprised the citadel of Tusculum in the night. This news, which was carried first to Rome, and thence to the camp before Antium, affected the Romans as much as if the capitol had been again seized. Mindful of the friendly part which the Tusculans had lately acted in the affair of Herdonius, Fabius with all expedition marched to their relief. The enemy, to hinder succours from coming to the city, had encamped an army not far from the walls. Fabius, with only a part of his forces, kept that army in play, sending the remainder to assist the Tusculans to recover their citadel. This war lasted several months. Famine compelled the Æqui to submit; and the Tusculans made them pass unarmed and naked under the yoke: after which the consul pursued them in their return homeward, and cut them all off to a man. Cornelius,⁵ who had stayed at Rome, to guard it from any sudden attack, now marched the troops under his command from the city; and the two consuls, taking different roads, invaded, plundered, and laid waste, the lands of the Æqui and Volsci.

At Rome the tribunes complained that these wars were protracted merely to keep off the affair of the law; and they loudly declared that nothing should hinder them from going through with what they had undertaken. Nevertheless Lucretius, præfect of the city, prevailed with them to defer the business till the arrival of the consuls. The consuls returned from the war,⁶ and

* According to Dionysius, p. 648, Antium revolted this year, and was subdued by Cornelius. And Livy says, that the greater number of authors report this; but that he does not find it in any of the earliest.

⁵ Livy tells us (b. 3. c. 24.) that at this time a new source of civil war arose in the republic: that the quaestors cited M. Volscius Pictor to trial the people, on the charge of his having given false testimony against Cæso

entered the city with their armies in triumph; and because the tribunes now said nothing of the law, it was

Year of
ROM E
294.
B.C.468.

tribunes put a stop to the prosecution, refusing to let the comitia be held for that trial, unless they were first held for enacting their law, and that both these affairs were put off to the return of the consuls: that no steps were taken with regard to either before the consuls of the new year had entered on their office: that then Cæso's uncle, Titus Quinctius (who had been thrice consul), and Marcus Valerius, men of more weight than their predecessors, were the quæstors: that because Cæso, the glory of the Roman youth, could not be restored either to his family or to his country, Quinctius, from a spirit of justice, and from an affection for his kinsman, made war upon the false witness, who had deprived him, though innocent, of the liberty of pleading in his own defence. "Is, quoniam neque Quinctiæ familiæ Cæso, neque reipublicæ maximæ juvenum restitui posset, falsum testem, qui dicendæ causæ innoxio potestatem ademisset, justo ac pio bello persequeretur." C. 25.

Fifty-
first con-
sulship.

What Livy means to say by this I know not. For, by his own account, Cæso ran away to avoid a trial on Volscius's accusation: and, as to the crimes and misdemeanours with which the tribunes had charged him, neither his uncle nor his own father had pretended that he was innocent. And, according to Dionysius, Cæso would not own the jurisdiction of the court.

Notwithstanding the great weight of these quæstors, the opposition of the tribunes stopped the prosecution once more. But the next year, when the father of Cæso was dictator, the tribunes, intimidated by his absolute power, durst not oppose the bringing Volscius to trial; and he was convicted, condemned, and banished to Lanuvium. Liv. c. 29.

Dionysius says nothing of all this, nor indeed has it any shadow of probability, if, as the Greek historian relates, Volscius was all the time one of the tribunes; which, according to Livy, he was not.

Mr. Vertot has followed Dionysius in making the accuser of Cæso one of the tribunes, and yet has followed Livy in representing the accuser of Cæso as tried, convicted, and banished in that very year, when, according to Dionysius, p. 648, he was in his fourth tribuneship.

Both Mr. Vertot and Mr. Rollin, founding themselves wholly on a passage in Cicero's oration *pro domo sua*, relate, that in the short dictatorship of Quinctius Cincinnatus (when Volscius is said to have been banished), Cæso was recalled from banishment. Cicero's words are these: "At verò, ut annales populi Romani, et monumenta vetustatis loquuntur, Cæso ille Quinctius, et M. Furius Camillus, et M. Servilius Ahala, cum essent optime de republicam eriti, tamen populi incitati vim iracundiamque subierunt, damnatique comitiis centuriatis, cum in exsilium profugissent, rursus ab eodem populo placato sunt in suam pristinam dignitatem restituti." One would imagine from the total silence of Livy and Dionysius, as to the recalling of Cæso, that those *annales* and *monumenta*, of which Cicero speaks, were wholly unknown to them, or that they considered them as of no authority. Nor perhaps is the orator much to be regarded, when, to serve a present turn and his own private interest, he brings precedents from ancient history of cases like his own. It is plain that neither the Latin nor the Greek historian have taken him for their guide. But what seems decisive against the authority of Cicero in this instance, is his saying, that Cæso was condemned in comitia by centuries, which is expressly contradicted by the whole history of those times. The tribunes did not pretend to hold comitia by centuries, and yet they held the assembly for the trial of Cæso. If Cicero be right, and Cæso, a young patrician, was condemned by the centuries, it will afford a strong presumption, that all the trials of consulars in the comitiary tribes, which Dionysius has recorded, are mere fables.

Father Catrou, not finding that Cæso was recalled, or that any motion was made for recalling him, either when his uncle was quæstor, or when his father was dictator, concludes that he was dead; or perhaps he gathers this from these words of Livy: "Quoniam neque Quinctiæ familiæ Cæso, neque reipublicæ restitui posset." But there seems no need to have recourse to the supposition of Cæso's death to account for his not being recalled: for the same tribunes who had prosecuted him were still in office, the bill, which had given occasion to Cæso's violence and misdemeanours, was depending; and it is not to be imagined that the tribunes would suffer his return before that affair was determined. If I might have leave to conjecture, I say, that Cæso was never recalled, that he was guilty not only of the misde-

Year of
R O M E
294.
B. C. 438.

Fifty-
first con-
sulship.

generally believed that they were deterred from that pursuit : but in truth, a far different reason occasioned their silence. As the year drew towards a close, they had their thoughts wholly intent on getting themselves elected a fourth time to the tribuneship ; and, in spite of the most vigorous opposition from the consuls, they carried their point.

C. 24.

D. Hal.
b. 10.
p. 648.

Towards the end of this year the Æqui sued for peace, and the senate made a treaty with them, importing, that they should keep possession of the towns and lands they then held, and be exempt from paying tribute to the republic, but, like the other allies, furnish her with as many auxiliary troops as she occasionally should require.

CHAP. XXIV.

SECT. I. The consuls of the present year are successful in war against the Æqui and Volsci. But the next year, when C. Nautius and L. Minucius are consuls, the latter having the conduct of the war against the Æqui, suffers himself to be so shut up by the enemy in a valley, that his whole army is in danger of perishing by hunger. His colleague being employed against the Latins, and therefore unable to assist him, names Quinctius Cincinnatus dictator. This great man being fetched again from his plough, puts himself at the head of a strong army, expeditiously marches against the Æqui, blocks them up in their camp as closely as they had blockaded Minucius, and reduces them to surrender on his own terms. He then degrades Minucius from the consulate, and refuses to let the soldiers, whom he had rescued from danger, have any part of the enemies' spoils. They, nevertheless, in gratitude to him, make him a present of a crown of gold. He has a triumph at his return to Rome ; and the 16th day after his promotion to the dictatorship resigns that office, and retires once more into the country, his son Cæso being first recalled from banishment. II. The senate in the next consulate (of C. Horatius and Q. Minucius) recall Quinctius again to Rome to set him up against the tribunes, who refuse the necessary levies for a war with the Æqui and Sabines, unless the Terentian law be first passed. Quinctius advises the senate and the whole body of the patricians to take arms : they accordingly repair all armed to the forum, where Horatius convenes an assembly of the people, and reproaches them with their baseness and cowardice. The tribune Virginius, seeing the multitude moved by the consul's speech, consents to drop the affair of the law, and to waive his opposition to the levies, provided the senate will suffer the number of the tribunes to be augmented to ten. C. Claudius opposes this motion, but Quinctius declaring that he thinks it may turn to the senate's advantage to comply with it, his opinion prevails, and the people are allowed to choose ten tribunes.

296.

Ten tri-
bunes.

Year of
R O M E
295.
B. C. 437.

Fifty-
second
consul-
ship.

§. I. IN the beginning of the new administration of L. Minucius and C. Nautius, Virginius and his colleagues

meanwhile with which the tribunes charged him, but likewise of the murder of which Volscius accused him, and that this Volscius did not get the surname of Fictor his having given false evidence, but that false evidence was in after-times imputed to him by the historians, merely on account of his surname, which meant nothing more than the potter.

pressed forward the affair of the law, to bring it to a conclusion. Yet they allowed the consuls two months' time to consider of it, and expose to the people the mischiefs latent under it, if any such there were; after which it was to be proposed in comitia, and put to the vote. This concession made all quiet in the city. But the tranquillity did not last long: for the Æqui breaking the treaty they had made the year before, invaded and plundered the territory of the Tusculans, allies of the Roman republic, and, loaded with spoil, retired with it to the hill Algidus (about twelve miles from Rome), where they encamped. The senate dispatched three ambassadors thither to complain of the injury, and demand restitution. Gracchus Cluilius, general of the Æqui, had pitched his tent under a large oak for the sake of the shade. "There! (said he to the ambassadors), deliver your errand to that tree! I have other business to mind." They returned to Rome, and reported the reception they had met with. Instantly the senate ordered one of the consuls to march against Gracchus, and commissioned the other to enter the frontiers of the Æqui, and lay the country waste. The tribunes at first obstructed the levies, and perhaps would have continued so to do but for a second invasion. A numerous army of Sabines advanced almost to the very walls of Rome; and the devastations they made could not patiently be endured by the people. Regardless of the dissuasions of their tribunes, they now readily offered themselves for the service. Two armies were presently raised. The Sabines retired: Nautius marched into Sabinia, and did more than make reprisals on the enemy. Minucius, who led his forces against the Æqui, had neither the success nor the courage of his colleague. He pitched his camp not far from the enemy, but kept close within it through fear." When the Æqui perceived his

Year of
R O M E
295.
B. C. 457.

Fifty-
second
consul-
ship.
Livy,
b. 3.
c. 25.
D. Hal.
b. 10.
p. 648,
et seq.

Livy,
b. 3.
c. 26.

Mylius says nothing of the cowardice of Minucius, but represents him as raising the enemy, who, by artfully retreating before him, drew him into a dangerous situation, and then blocked him up in his camp.

Year of
ROM E
296.
B.C. 457.

Fifty-
second
consul-
ship.

cowardice; it gave them the boldness to attack his camp in the night; but they found it too strong to be forced.

The next day therefore they drew lines about it, in order to starve their enemies into a surrender at discretion.

Before the Romans were quite enclosed, five horsemen found means to make their way through the quarters of the Æqui, and carried the news to Rome. Quintius Fabius, governor of the city, immediately dispatched a messenger to the consul Nautius, to inform him of the distress his colleague was in. Nautius, leaving his army to the care of his lieutenants, repaired to Rome in all haste. He arrived there in the night, and without delay had a conference with the chief of the senate, who all agreed to have recourse to the usual expedient in great exigencies, a dictator: whereupon the consul, with universal approbation, named L. Quintius Cincinnatus to that important dignity, and then returned to his army.

Ibid.

The persons deputed to give Quintius notice of his nomination to the dictatorship, found him busily employed about his farm, either following the plough or digging a ditch. After the common mutual salutations, they desired him to put on his gown, and hear their commission to him from the senate. "What is the business?" said Quintius in surprise, "Is all well?" Then turning to his wife, who was in the field with him, "Racilia, go fetch my gown. Make haste." The dust and sweat wiped from his face, and the gown put on, the deputies straight saluted him dictator, invited him to Rome, and informed him of the perilous condition of the army. A barge belonging to the public was ready to convey him to the city. His three sons, his other relations and friends, and the greatest part of the senate, received him at his landing. With this attendance, and with four-and-twenty lictors walking before him, he was conducted to his house. Crowds of plebeians likewise put themselves in his train; but they were not very
see him, for they thought him clothed with too

power, and feared the use he might make of it. They kept watch all that night.

Year of
ROME
295.
B. C. 457.

Quinctius, the next morning, before daybreak, went to the forum, and there named, for his general of the horse, L. Tarquinius, a patrician of distinguished bravery, but who, being too poor to keep a horse, had till then never served but in the infantry. Thus all the hopes of the republic lay in an old man called from the plough to command in chief, and a foot-soldier raised to be general of the horse.

Fifty-
second
consul-
ship.

The dictator, by proclamation, ordered a suspension of all process in the courts of justice, the shops to be shut up, and all the citizens, able to bear arms, to be before sunset in the field of Mars, each with five days' provisions, and twelve stakes for a palisade. Whoever through age was disqualified for the service, was to dress the provisions for the soldier who lived nearest him, while he furnished himself with the stakes, and got ready his arms.

All these commands punctually executed, and the forces drawn up in good order, not only for marching, but fighting, if need should require, the dictator, at the head of the infantry, and Tarquinius, at the head of the cavalry, led forth the army. No alacrity was wanting either in the commanders or their men. "Quickened your pace, soldiers," said the leaders, "let us come up with them this very night. Expedition! a Roman consul and his army besieged! three days invested! who knows what may happen in a day or a night? A single moment often decides in great events." The generals had the pleasure to hear the soldiers, and those who bore the colours, mutually call upon each other, "Faster, ensign!—soldiers keep up!" And thus by midnight they reached the Algidus.

Quinctius made a halt, as soon as he perceived he the enemy. And when, by riding about, he n such a view of their camp as the obscurity of

B. 3.
c. 28.

Year of
ROME
295.
B.C. 457.

Fifty-
second
consul-
ship.

the night would permit, he ordered his men to heap all the baggage together in one place, and then return into their ranks with their stakes they had brought from Rome. This done he extended his forces, and invested the camp on his side of it : after which, on an appointed signal given, the soldiers altogether gave a shout, and then fell every man to work to cut a trench before him, and plant his stakes. The shout reached beyond the camp of the Æqui to that of the consul. Sudden terror seized the one, universal joy the other. Nothing among the Roman soldiers but mutual congratulations on the arrival of succour. “No time to be lost!” cried Minucius. “Not only succour is come, but our fellow-citizens are actually in conflict with the enemy. I know it by the shout. To arms, to arms, follow me, soldiers.” Out sallied the legions to action, and by their shouts gave notice of it to the dictator. The Æqui were just going to make an effort to interrupt the works the dictator had begun, when the alarm from the other side obliged them to turn their chief strength that way, lest the consul should break through their camp. His attack kept them in play till the morning, so that Quinctius had the rest of the night free to go on with his fortification. Having finished it by daybreak, he straight led out his forces to assault that of the enemy. A new conflict began ; the former continued. The Æqui, now pressed on both sides, hopeless of defending themselves, hopeless of relief, ceased the fight, and had recourse to supplications. They begged of the dictator, they begged of the consul, not to place victory in slaughter, but to suffer them to go off disarmed. The consul referred them to the dictator. Quinctius contemptuously answered them, that “he did not want their blood, he would let them go ; but that, by passing under the yoke, they should at length make a confession, that the Æqui were a conquered people. But first (said he,) send hither in chains your general Gracchus, and ten

of your principal officers [with these he meant to adorn his triumph], and you shall evacuate the city of Corbio." All was submitted to.

Year of
ROME
595.
B. C. 457.

The dictator gave the plunder of the enemy's camp to the soldiers he had brought with him from Rome, not suffering those of the consul to take any part of it. "You, soldiers (said he), who were just going to fall a prey to our enemies, you shall have no share of their spoils." Then turning to the consul, "And you, Minucius, till you begin to have the spirit of a consul, shall command these legions in quality only of a lieutenant-general." Minucius abdicated the consulship, and, in obedience to order, continued with the army.⁷ Such respect, such ready submission to superior merit, and superior authority, were paid in those days, that the consular troops, less affected with the disgrace they suffered, than with the benefit they had received, decreed to the dictator a golden crown of a pound weight, and at his departure saluted him by the title of their patron.

Fifty-
second
consul-
ship.
Livy,
b. 3.
c. 29, et
D. Hal.
b. 10.
p. 650.

Quinctius returned to Rome, and had there a magnificent triumph; after which, though he might have retained his high office six months, he resigned it the sixteenth day from his promotion to it.⁸

In the end of the year the tribunes began to stir again in the affair of the law: but as two armies were absent (for the consul Nautius made war against the Sabines), the senate carried it, that no bill should be preferred to the people; nevertheless, in the election of tribunes, the commons prevailed to have the same men,

Livy,
b. 3.
c. 29.

⁷ Dionysius reports (p. 652) that Quinctius, after plundering Corbio, caused the most valuable part of the enemies' spoils to be conveyed to Rome, giving the remainder only to his soldiers, and that the senate would have enriched him out of the booty; but that he declined the offer, and chose rather to owe his subsistence to the labour of his hands.

⁸ According to Livy, Quinctius Fabius was soon after sent from Rome to succeed Minucius in the command of the army.

⁹ The reader will observe that Quinctius defeated the Æqui, and took their camp, the third day from his nomination to the dictatorship. The greater part of the remainder of the sixteen days, we may suppose, was spent in taking possession of the camp, plundering it, and placing a garrison there. This, according to Dionysius, was done by way of revenging the ill-treatment which the Tusculans had meted out to the Æqui.

Year of
R O M E
296,
B. C. 466.

Fifty-
third
consul-
ship.
D. Hal.
b. 10.
p. 662,
et seq.
Livy,
b. 3.
c. 30.

who had held the tribuneship four years successively, appointed a fifth time to that office.

§. II. THE consular fasces were transferred to C. Horatius and Q. Minucius. In the beginning of their administration they had nothing to do abroad; but the tribunes, with their bill, found them sufficient employment at home; yet it was not long before the dispute on this head gave place to another; for news came, that the Æqui had in the night surprised the Roman garrison of Corbio, and taken the place by assault. The senate without delay ordered an army to be raised and led to the Algidus. "No levies! (said the tribunes) the bill is the important point, the business that must be first settled." Neither consuls nor senate would hear of the bill. Both sides continued obstinate, till a second alarm was given from abroad. The Sabines made an incursion into the Roman territory, and advanced almost to the city walls. The tribunes then seeing a necessity of arming, began to treat with the senate.^a As they had been constantly baffled, though in office five years successively, they judged that it was for want of a sufficient number in their college, and therefore resolved to seize the present occasion to get it augmented. "On one condition (said they) we shall consent to your raising troops. The thing will be of little consequence to you, and will please the commons very much; perhaps make them easy as to all their other demands. Allow them to have, for the future, ten tribunes, instead of only five."

D. Hal.
b. 10.
p. 666.

In the debates of the senate on this motion, Caius Claudius opposed it with great warmth. He said, "that

^a Dionysius (p. 654) reports, that when the tribunes were obstinate in opposing the levies, all the senators, by the advice of Quinctius Cincinnatus, took arms and repaired to the forum, determined to march out (supported only by their clients and adherents) against the enemy; that even the oldest of the fathers appeared in armour, but wept and looked so piteously, that the spectacle drew tears in abundance from the multitude; and a most ridiculous scene of affliction the historian (p. most gravely makes of it. He adds, that the tribunes seeing the people and fearing that they should not be able to hinder the [weeping] plebs, following the [weeping] patricians to the war, began then to covenantmentation of the college, &c.

to grant the commons more tribunes would have no good effect upon them, it would only make them more untractable and insolent. The partition of the lands, Terentius's bill, and every project for diminishing the authority of the senate, and increasing the power of the people, would presently be revived; and, in short, that an augmentation of the number of tribunes would have the worst consequences imaginable." But Quinctius Cincinnatus, whose judgment had greater weight with the senate than that of Claudius, considered the matter in a different light, and was of opinion that what the plebeians sued for as a favour, would turn to their disadvantage when obtained, because it would be easier to sow division among ten tribunes than among five, and he therefore exhorted the fathers to a concession. His advice prevailed. The request was granted, but conditionally, that the tribunes^b then in office should not be rechosen. To this the petitioners agreed, and held the comitia immediately for the nomination of ten tribunes, as having learnt by experience, that they might meet with a disappointment, should they put off the election to the end of the war. Two out of each of the five first classes were chosen; a method observed ever after.

The commotion thus quieted, troops were raised. Minucius marched to attack the Sabines, but found no enemy in the field. Horatius defeated the Æqui, and retook Corbio.

^b Livy's words seem to make the condition general, that the commons should never, for the future, choose the same men twice to the tribuneship, "ne postea eodem tribunos juberent." If this was the condition, the people did not observe it, as we shall presently see.

The increase of the number of tribunes to ten, was thirty-six years after the erection of the tribuneship.

Year of
R O M E
296.
B. C. 456.
Fifty-
third
consul-
ship.

P. 607.

1bid.
Livy,
b. 3.
c. 30.

CHAP. XXV.

297. **SECT. I.** Icilius, chief of the tribunes, proposes that Mount Aventine may be yielded to the people. The consuls M. Valerius and Sp. Virginius looking upon this new demand as a prelude to the revival of the Agrarian law, and deferring therefore to convene the senate for the hearing and debating it, Icilius sends an officer to them, commanding them to assemble the senate forthwith, and to repair to it themselves. The messenger, by order of the consuls, is chastised for his insolence by one of their lictors. The tribunes cause the lictor to be seized, and the senate, to save his life, are obliged to yield to the people the ground they demand. **II.** The concessions of the senate make the tribunes still more presumptuous. T. Romilius and C. Veturius (consuls for the next year) attempting to force the citizens to list themselves for a war in spite of the opposition of the tribunes, the latter order the ædiles to seize those supreme magistrates and lead them to prison. The patricians hinder by force the execution of this order. The tribunes hereupon cite the consuls to appear before an assembly of the people. Their citation being disregarded, they apply to the senate for a decree, empowering the people to try the consuls. Romilius answers them with reproaches and menaces, and nothing is determined that day. **III.** The tribunes, without any farther soliciting a *senatus-consultum*, resolve to get the consuls condemned by the people in a fine; but when the day for the assembly comes, they drop that design, and propose anew the Agrarian and Terentian laws. Sicinius Dentatus, an old soldier, makes a notable speech in relation to the former. The assembly is adjourned to the next day; and then the patricians by violence hinder the suffrages from being collected. The following day the people being again assembled, empower their tribunes to make inquiry after the authors of the tumult. The misdemeanour is charged upon three eminent patrician families; and the senate, to pacify the people, suffer the estates of the delinquents to be confiscated without opposition. **IV.** During these contentions, the consuls are obliged to lead an army into the field against the *Æqui*. Sicinius Dentatus serves as a volunteer in this war at the head of 800 veterans. Romilius orders him and his company upon a desperate enterprise. Sicinius remonstrates against it, but nevertheless obeys; and he succeeds so well, as to occasion the total defeat of the enemy by the consuls: afterward he marches to Rome, complains to the people of the general's tyranny, and prevails with them to refuse him a triumph. And in the following consulate (of Sp. Tarpeius and A. Æternius), Sicinius being chosen tribune, Romilius and Veturius are accused before the people for misconduct during their magistracy and fined. A law is also passed, empowering any magistrate to impose a fine for disobedience.

Sicinius
Dentatus

299.

Year of
R O M E
297.

B. C. 465.

Fifty-
fourth
consul-
ship.
D. Hal.
b. 10.
p. 658.

§. I. **I**n the consulship of M. Valerius and Sp. Virginius, the tribunes demanded that Mount Aventine should be granted to the people, or at least those parts of it which were not occupied by lawful purchasers. L. Icilius, the head of the college, set forth that the land of that hill belonged to the republic; that some patricians had indeed purchased certain parcels of it, but others had got possession of what they enjoyed by mere usurpation, and that the remaining part of it was uncultivated and uninhabited. He proposed, therefore, that those patricians, who could shew good claims to what they possessed, should be confirmed in the sessions; but that those who had built hou

the hill, without lawful title to the ground, should be ousted; previously reimbursed, however, what they had expended in building those houses; and, lastly, that all the land uncultivated, or unoccupied by rightful owners, should be given gratis to the commons, who growing daily more numerous, began to want habitations.

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297.
B.C. 455
Fifty-
fourth
consul-
ship.

There could be no plausible objection to this proposal, and it was a matter of small importance to the nobles; yet the consuls, apprehending, perhaps, that from such a partition of Mount Aventine, the plebeians might take occasion to renew their old pretensions upon the conquered lands, deferred convening the fathers, whom the tribunes had desired to consider of the matter, and then refer it to the people. Icilius, impatient of this delay, sent a command to the consuls by an apparitor, to assemble the senate forthwith. The apparitor met with a rough reception. A lictor by the consul's orders gave him some blows, and drove him away ignominiously. A mighty uproar ensued. Icilius caused the lictor to be seized, and was for having him thrown headlong from the Tarpeian rock. The consuls, not daring to employ violence to rescue him out of the hands of the sacrosanct tribunes, endeavoured to gain over some one of them, who might put a stop to the fury of his colleague; but Icilius had before taken measures to defeat that artifice. He had so warmly represented to his brethren, that the strength of their college lay wholly in their union, that they had agreed, no one among them should oppose what was determined by plurality of voices. Thus the poor lictor saw himself just upon the point of losing his life, for having obeyed the orders of the consuls too punctually. To save him, the conscript fathers had recourse to entreaties; and they seem to have been constrained to a composition with the tribunes: these released the lictor, and the people, by a decree, yielded Mount Aventine to the commons: a concession of small importance, as was before

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ROME
297.
B.C. 485.

Fifty-
fourth
consul-
ship.

Y.R. 298.
B.C. 454.

Fifty-
fifth con-
sulship.
P. 660.

observed; yet the measures used to obtain it made a very great breach in the consular authority: for the tribunes kept themselves ever after in possession of the new prerogative, assumed by Icilius and his colleagues, of convening the senate.

II. THE next year T. Romilius and C. Veturius were consuls. These magistrates, apprehending that the present quiet in the city would soon be disturbed, unless the republic had a war abroad, resolved to lead out an army against the Æqui. But this their policy they themselves defeated, by the unseasonable rigour with which they proceeded in the enrolments. They admitted of no excuses, how allowable soever, and condemned to heavy fines and imprisonment all those, who refused to enlist themselves for the war. Icilius and his colleagues (who had been continued in the tribuneship at the new elections) did not fail to take the part of the complainants; and when they found that words were ineffectual, endeavoured by force to rescue the prisoners out of the hands of the lictors; they even went so far in their fury as to bid the ædiles lay hold on the consuls, and lead them to prison. The patricians all united as one man to defend the supreme magistrates; blows ensued; and, for this time, the consuls got the better in the scuffle: the tribunes were routed and roughly treated. But the triumph of the nobles was of short duration. The next day, and the following, great numbers of plebeians flocked from the country to the city; and the tribunes, then finding themselves in a condition to deal with their adversaries, held frequent councils, to which they complained most heavily of the insults they had suffered; protesting at the same time, that they would lay down their office, if they could not be supported in the exercise of it. And now, encou-

* According to Livy, (b. 2. c. 31.) it was to succour those affectionate friends of Rome, the Tusculans (whose territory the Æqui had invaded), that the consuls were obliged to raise an army. And this accounts for the tribunes not opposing the levying of an army, only the unreasonable severities of the consuls in making them.

raged by the commons, who with great warmth entered
 into their magistrates' resentments, they made no scruple
 to send a summons to the consuls to appear before an
 assembly of the people, and answer for their conduct;
 the first instance of citing the superior magistrates to
 trial, during their magistracy.

Year of
 ROME
 298.
 B.C. 484.
 Fifty-
 fifth con-
 sulship.

The consuls refusing to listen to the summons, away
 went the tribunes to the senate, then sitting in debate
 on these matters, and having first in a plaintive tone set
 forth "the violence which had been done to their sacred
 persons, by the consuls or their adherents," demanded
 peremptorily, "that those magistrates might either clear
 themselves by oath from having had any hand in that
 violence, or if they scrupled to take such oath, appear
 in judgment before the people;" and they added, "that,
 for their parts, they would take the votes of the tribes
 upon the affair."

In answer to all this, the consuls reproached the tri-
 bunes "with having been the aggressors, and with hav-
 ing carried their insolence to such excess, as first to
 attempt imprisoning the sovereign magistrates of the
 state, and afterward, when they failed in that, to cite
 them to appear in judgment before an assembly of the
 people; though by law they had no right to summon
 thither even the most inconsiderable of the patricians,
 without a previous *senatus-consultum* for that purpose."
 And they declared, "that if the tribunes were so auda- P. 661.
 cious as to proceed towards collecting the votes of the
 people, they would arm the whole body of the patri-
 cians."

These mutual reproaches and menaces lasted the whole
 day; and the senate thinking it equally dangerous to
 declare either for the consuls or the tribunes, came to no
 resolution.

§. III. THE tribunes, finding that nothing was to be
 ted from the fathers, called the people together, to
 ate on the proper measures to be taken.

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R O M E
398.
B.C. 454.

Fifty-
fifth con-
sulship.

The most turbulent and hot-headed were for retiring in arms a second time to the Mons Sacer, and thence declaring open war against the patricians, for having broken the treaty which had there been made.

Others, more in number, judged it not advisable to leave the city, nor equitable to impute to the whole body of the nobles the violences which some particulars had acted against the sacred persons of the tribunes ; provided that strict justice were done upon the guilty, who had incurred the penalty of death or exile [and might be punished according to law, without any previous process].

Others, again, more moderate, declared against putting any citizen to death, before trial and condemnation in legal form, and especially when the question was concerning the consuls, the supreme magistrates of the republic ; but they counselled the assembly to discharge their wrath on those who had aided the consuls, and to punish them according to the utmost rigour of the laws.

As nothing could be immediately agreed upon, a little time diminished the fury of the tribunes, and at length the conclusion was, that the third market-day, they would hold an assembly to condemn the consuls in a pecuniary fine. However, before the twenty-seven days were quite expired, they changed their mind ; and having assembled the people, declared, that at the entreaty of several worthy men, to whom it was not easy to refuse any thing, they were willing to forgive the personal injuries they themselves had suffered, but could never pardon those which had been done to the people, and would therefore instantly renew the prosecution of those two important affairs, the Agrarian and Terentian laws, the publication of which had been so long postponed by the artifices of the patricians. This said, they fixed a day for a new assembly to deliberate and decide upon those matters.

P. 662. The people being met at the time appointed,

began with proposing the Agrarian law; and, when he had himself made a long harangue on the reasonableness of it, notified that any plebeian present might speak his mind freely. Upon this several stood forth successively, pleaded the right their services gave them to a share of the conquered lands, and were all heard with pleasure. But nothing so much quickened the zeal of the assembly in behalf of the law, as the discourse of Sicinius* Dentatus, a plebeian, who had served long, and distinguished himself by his exploits in the wars. He was a man of a noble aspect, and, though now fifty-eight years of age, in his full strength of body as well as mind. With a soldierly eloquence he spoke to this effect: "It is now forty years that I have borne arms, and for the thirty last I have been always in some command or other. I have been in 120 engagements. I have received forty-five wounds, and all before, twelve of them in that single action against Herdonius, the Sabine. Fourteen civic crowns I obtained for having saved the lives of so many citizens in battle;" three

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ROME
998.
B.C. 464.
Fifty-
fifth con-
sulship.

*Siccius
accord-
ing to
Livy.

D. Hal.
b. 10.
p. 663,
et seq.

^d Of the military rewards in use among the Romans, Mr. Kennet [part 2. book 4. chap. 16.] speaks thus:

The encouragements of valour and industry were much more considerable than the proceedings against the contrary vices. The most considerable (not to speak of the promotion from one station to another, nor of the occasional donatives in money, distinguished by this name from the largesses bestowed on the common people, and termed *congiaria*) were first the *dona imperatoria*, such as

The *basta pura*, a fine spear of wood without any iron on it; such a one as Virgil has given Sylvius in the sixth of the *Æneids*:

Ille, vides? purâ juvenis qui nititur hastâ.

This present was usually bestowed on him, who in some little skirmish had killed an enemy, engaging him hand to hand. They were reckoned very honourable gifts, and the gods are commonly represented with such spears, on the old coins. Mr. Walker derives hence the custom of our great officers carrying white rods or staves, as ensigns of their places.

The *armillæ*, a sort of bracelets, given upon account of some eminent service, only to such as were born Romans.

The *torques*, golden and silver collars, wreathed with curious art and beauty. Pliny attributes the golden collars to the auxiliaries, and the silver to the Roman soldiers; but this is supposed to be a mistake.

The *phalære*, commonly thought to be a suit of rich trappings for a horse; but because we find them bestowed on the foot, as well as the cavalry, we may rather suppose them to have been golden chains, of like nature with the *torques*, only that they seem to have hung down to the breast; whereas the others only went round the neck. The hopes of these two last are particularly urged, among the advantages of *y* life, by Juvenal, Sat. xvi. 60.

Ut læti phaleris omnes, et torquibus omnes.

Phalære, a sort of banners of different colours, worked in silk or other curious

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mural crowns for having been the first that mounted the breach in towns taken by assault; one obsidional crown; eight other crowns for different exploits: eighty-three golden collars, sixty golden bracelets, eighteen lances (*hastæ puræ*), twenty-five sets of furniture for horses, nine of which I won from so many enemies conquered in single combat.—And now, Romans, you know my services, and you have heard what have been

materials, such as Augustus bestowed on Agrippa, after he had won the sea-fight at Actium.

Next to these were the several coronets received on various occasions. As,

Corona civica, given to any soldier who had saved the life of a Roman citizen in an engagement. This was reckoned more honourable than any other crown, though composed of no better materials than oaken boughs. Virgil calls it *civilis quereus*, *Æn. vi. 772*.

Atque u-brata gerunt civili tempora quereu.

Plutarch has guessed very happily at the reason why the branches of this tree should be made use of before all others. For the oaken wreath, says he, being otherwise sacred to Jupiter, the great guardian of their city, they might therefore think it the most proper ornament for him who had preserved a citizen. Besides, the oak may very well claim the preference in this case, because in the primitive times, that tree alone was thought almost sufficient for the preserving of man's life: its acorns were the principal diet of the old mortals, and the honey which was commonly found there, presented them with a very pleasant liquor. Vide Plutarch, in *Coriolano*.

It was a particular honour conferred on the persons who had merited this crown, that when they came to any of the public shows, the whole company, as well senate as people, should signify their respect, by rising up when they saw them enter; and that they should take their seat on these occasions among the senators; being also excused from all troublesome duties and services in their own persons, and procuring the same immunity for their father and grandfather by his side. Vide Plin. lib. 16. cap. 4.

Corona muralis, given to him who first scaled the walls of a city in a general assault: and therefore, in the shape of it, there was some allusion made to the figure of a wall.

Corona castrensis, or *vallaris*, the reward of him who had first forced the enemy's intrenchments.

Corona navalis, bestowed on such as had signalized their valour in an engagement at sea; being set round with figures like the beaks of ships.

— Cui belli insigne superbum

Tempora navali fulgent rostrata coronâ. Virg. Æn. viii. 634.

Lipsius fancies the *corona navalis*, and the *rostrata*, to have been two distinct species, though they are generally believed to be the same kind of crown.

Corona obsidionalis: this was not, like the rest, given by the general to the soldiers, but presented by the common consent of the soldiers to the general, when he had delivered the Romans or their allies from a siege. It was composed of the grass growing in the besieged places.

Corona triumphalis, made with wreaths of laurel, and proper only to such generals as had the honour of a triumph. In after-ages this was changed for gold (*aurum coronarium*), and not only restrained to those that actually triumphed, but presented on several other accounts, as commonly by the foreign states and provinces to their patrons and benefactors. Several of the other crowns too are thought to have been of gold, as the *castrensis*, the *mural*, and the *naval*.

Besides these, we meet with the *coronæ aureæ*, often bestowed on soldiers without any other additional term. And Dion Cassius mentions a particular sort of *coronæ* made of olive boughs, and bestowed, like the rest, in consideration of some act of valour. Lipsius believes these to have succeeded in the room of *crowns*, after they were laid aside.

the rewards of them, rewards that sufficiently prove my courage, but make little addition to my fortune. No land, no share in conquered countries. Neither Sicinius, nor any of you, plebeians, the companions of my labours and my glory, are to reap the least benefit from those acquisitions. The patricians, it seems, by their noble birth, have an inherent right to all the public demesnes. No matter whether they have any merit or not. But is this to be endured? Shall they alone enjoy the fruits of our conquests? The purchase of our blood? No, plebeians, let us delay no longer to do ourselves justice. Without so much as hearing what the usurpers have to say against it, let us this very day pass the law proposed by Icilius. If the young patricians have the boldness to oppose by violence the collecting of the votes, let our tribunes make them feel what is the extent of their authority."

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B C. 454.
Fifty-
fifth con-
sulship.

Sicinius having thus closed, Icilius highly commended both the speaker and his speech, yet added, that in one thing he must differ from him; for that the people could neither in justice nor in prudence refuse to hear what the patricians had to say against the law; and so he adjourned the assembly to the day following.

§. IV. THE consuls during great part of the night P. 666. held conference with the chief men of the senate, on measures to frustrate the designs of the tribunes. No expedient offered itself, but the old method; which was, forcibly to hinder the people from proceeding to vote.

The next morning, the assembly being formed, the tribunes caused proclamation to be made, that whoever had any solid reasons to offer against the law, might, if they pleased, lay them before the people. Divers senators presented themselves one after another; but the moment they began to speak, such a noise arose from the parts of the comitium, some applauding, others hoot-
made it impossible to hear what was said. The

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sulship.

consuls, full of indignation, protested warmly against all that should be done in so tumultuous an assembly : to which the tribunes answered, that it was no wonder the people should be tired with hearing the same trite and frivolous objections so often repeated. When a great part of the day had been spent in such altercations, the multitude, quite weary of them, called out, "To the vote." In that instant the patricians, who, in small companies, had posted themselves in almost all parts of the comitium, fell all at once upon the plebeians, and by blows and main force hindered them from gathering into their respective tribes. The tribunes exclaim, "Break through the press, hasten to assist the plebeians, and rectify the disorder." Vain are their efforts; their own sacred persons are suffered safely to pass whithersoever they please; but, their followers being stopped by the patricians, they can do nothing, their measures are disconcerted, they are forced to retire.

They convened the people again the next day, and made their complaints. Most of the young patricians had been concerned in raising the tumult; but as it was impracticable to punish all the guilty, only the youth of the Posthumian, Sempronian, and Clelian families were singled out for prosecution, and cited to appear before an assembly of the people.

P. 667.

The best heads in the senate having consulted together on this occasion, and knowing that the tribunes had determined to inflict no severer punishment on the criminals than the confiscation of their effects, thought it advisable to acquiesce, not only because they could easily repair the loss to the sufferers, but because they hoped that the multitude, satisfied with this revenge, would drop their pursuit of the law. When the day came for the trial, the persons accused not appearing, were condemned for default; their goods were ~~afterw~~ sold publicly, and the produce consecrated to The senate caused those goods to be bought u

their money by private hands, and shortly after restored them to their former proprietors.

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§. v. IT was not very long before the tribunes brought on again the affair of the law for a partition of the lands. But their proceedings were now interrupted by sudden advice, that the Æqui had invaded the territory of Tusculum, and threatened the town. The senate without delay ordered an army to the relief of those dear allies, the Tusculans; nor could the tribunes divert the plebeians from offering themselves to serve in this war. Even Sicinius Dentatus, that zealous advocate for the Agrarian law, presented himself a volunteer with 800 veterans, who, like himself, had completed the years of service prescribed by law, but yet were willing to make another campaign under the particular command of Sicinius, to whom they had, most of them, personal obligations.

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fifth con-
sulship.
P. 668.

The army marched from Rome, and advanced towards the Algidus,* the usual haunt of the Æqui, and whither they had retired on the news of the consul's approach. These generals, having found the enemy intrenched on the hill, pitched their camp not far from them, fortified it well, and kept close within it, to conceal their strength, which was very considerable. The Æqui took these precautions for a sign of fear, and imagining the number of the Romans to be small, made several attempts to bring them to an engagement. One day when Romilius commanded in chief, and the Æqui descending from their hill offered him battle, he resolved to accept the challenge. With this view he sent for Sicinius Dentatus, and said to him, "My colleague and I intend to march against the enemy in the plain, and in the mean time I would have you, with the cohort under your command, ascend by ~~on~~ narrow winding way to the top of

P. 669.

ling to Dionysius, the scene of action was near the city of Antium. But probably an error in the copy; it should be the city of Algidum, which stood just Algidus. Livy says, the Æqui were posted on the Algidus; and this is neighbourhood of the Tusculans.

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fifth con-
sulship.

the hill, and attack their intrenchments. They have undoubtedly left but a weak garrison there, and your brave veterans will easily make themselves masters of the camp. If the Æqui here below, to preserve it, quit the plain, we shall then fall upon their rear, and their destruction will be inevitable." Sicinius answered, "I am always ready to obey orders. But give me leave to say, that the execution of what you now command is not so easy as you seem to imagine it. The hill is very high and steep, and I see but one way up to it. We shall no sooner be engaged in that narrow pass, but the enemy will infallibly pour down upon us; and how shall I be able, with my body of veterans alone, to sustain their charge from the higher ground? You are willing to suppose that the guard of the camp is weak. There is no probability of this; and, even granting it certain, their very situation alone gives them such an advantage over us, that we shall never be able to force them."


P. 670.

Sicinius was going on with his remonstrance, when the consul in great anger cut him short; bidding him not pretend to act the general, but remember his only business was to obey. He added, "But if you think there is too much danger in the enterprise, I shall employ some other officer, who, less conceited of his own abilities, may succeed better. And you, mighty captain, you that have followed the wars forty years, that have been in 120 battles, and whose whole body is covered over with wounds, do you return to Rome without having dared to face the enemy, and carry back to the forum that eloquent tongue, which is more formidable to your fellow-citizens, than your sword is to the Æqui, and the enemies of your country?"

Sicinius, irritated by the general's reproaches, answered him boldly, that he found he was resolved either to destroy an old soldier, or to shame him, and for no other reason but his honest zeal for the public liberty that one was much easier to do than the other; t

would march up to the enemy's camp, and win it, or fall in the attempt with all his cohort. These veterans then took their leave of the rest of the soldiers, who looked after them with weeping eyes, as after men sent to the slaughter. Happily for them they were under the conduct of an old officer who understood his trade. Sicinius went round about a tedious way, and at length entered a great wood that seemed to stretch along the hills quite to the enemy's camp. Here, having halted a moment, "Cheer up, my lads; either I am much mistaken, or I shall find some path that will lead us more safely to the enemy's camp than that which our general pointed out, and by which we could not have approached it without being seen." He then continued his march, and soon after met with a peasant, who serving him for a guide, conducted him at length to an eminence that overlooked the camp, and was not far from it.

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During this march the two armies came to an engage- P. 671.
ment in the plain. They fought a great while with equal courage, and victory did not declare for either side. The soldiers in the camp of the Æqui, not apprehending any danger from behind, were all got to the side next the plain to see the fight. In this juncture Sicinius arrived on the other side, and finding it without sentinels, and quite defenceless, entered the camp at once. Then the veterans giving a loud shout fell upon the Æqui, whose eyes were turned another way. The sudden fright which seized the latter, made them imagine their enemies to be much more numerous than they were; so that without staying to gather up their arms, all that could fled out of the camp, and ran precipitately down to the main body of their army, carrying fear and confusion along with them. Sicinius followed them close, and came thundering upon the rear of that main body, engaged in battle with the Roman army. The Æqui, men and put to flight, lost 7000 men, the consuls

ing over the pursuit till night.

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B. C. 454.

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Fifty-
fifth con-
sulship.

P. 672,

As soon as it was dark, and the action quite over, Sicinius retired with his veterans to the camp he had before taken. He had not lost one man, nor of the whole number was there one who had received a wound. With mutual embraces they congratulated each other on their good fortune, and all joined in heaping praises on their commander. About midnight Sicinius, full of resentment against the consuls, formed a resolution to hinder them, if possible, from having the honours of a triumph, at their return to Rome. His companions, to whom he imparted his design, having unanimously approved it, they cut the throats of the prisoners, killed the horses, set fire to the tents, the arms, and all the baggage (including the rich plunder which the Æqui had got in the territory of Tusculum), leaving none of those marks of victory which were required from a general when he demanded the triumph. He then marched away with extreme diligence, arrived at Rome with his cohort, and there gave an account to the people of what had passed, complaining of the inhumanity of the consuls, who, he said, had maliciously exposed 800 veterans to death, in all likelihood, unavoidable, and claiming the whole honour of the victory to himself and his cohort. Not only the people, but the senate entered with warmth into his resentments, and absolutely refused the consuls a triumph at their return.*^f

^f The reader will give what credit he pleases to this account from Dionysius, of what passed in the consulship of Romilius and Veturius. Livy makes no mention of the disputes about the Agrarian law, or of Sicinius's notable speech, or of the decree against the three patricians, or of Sicinius's exploit in the war against the Æqui. All that the Latin historian says of the events of this year is to the following effect: that the ten tribunes revived the affair of the bill [for an establishment of laws]. That their pursuit of it was interrupted by news from the Tusculans, of the Æqui having invaded their territory: that the Romans could not refuse assistance to such affectionate allies: that the consuls defeated the enemy in battle near the Algidus, slew 7000 of them, and got a great booty, which they sold, because money was wanting in the treasury: that this angered the soldiers, and furnished the tribunes with matter for accusing the consuls. Liv. b. 3. c. 31.

Father Rouillé observes, that the learned, and Glarean in particular, have charged Livy with a faulty negligence, in passing over the dispute about the Agrarian law, Sicinius's speech, and the condemnation of the three families.

As to the Agrarian law, it seems not improbable, that the tribunes at this brought it again into agitation, in order to terrify the nobles, and thereby the passing of Terentius's bill concerning laws. And, perhaps, it was t

And they had no sooner resigned the fasces (to Sp. Tarpeius and A. Æternius) but they were cited to appear before an assembly of the people on a day fixed. Sicinius (whom the people had raised to the tribuneship) charged Romilius; one of the ædiles charged Veturius. The accusation ran upon certain insults,^s which, during their consulship, they had offered to the tribunes; and upon the affair of Sicinius and his veterans; and the people fined them both, Romilius in 10,000 asses, and Veturius in 15,000. History does not inform us of the reason of the difference which the people made in their fines: it was perhaps because Veturius had the greater hand in the ill-treatment of Icilius's apparitor. What favours this conjecture is, that at the same time a law passed, with the consent of both orders in the state, that any magistrate should have power to lay fines upon such persons as failed of due respect to his dignity: a prerogative reserved before to the consuls only. But to prevent any particular magistrate from abusing and

Year of
R O M E
299.
B.C. 453

Fifty-
sixth con-
sulship.
D. Hal.
b. 10.
p. 673.
Vertot.
D. Hal.
b. 10.
p. 674.

which occasioned the senate's so readily consenting presently after to let Terentius's proposal take place as to the substance of it. For this sudden compliance is not well accounted for by the historians. There seems to have been a compromise. Cease your pursuit of the partition of the lands, and you shall have a body of laws established.

But as to Sicinius's speech, the writers who are most fond of it, do themselves, by their disagreement, furnish reasons to doubt. Dionysius, as we have seen, gives this hero twenty-five sets of furniture, for so many victories in single combats; Pliny, b. 7. Val. Max. b. 3. and Solinus, c. 6. allow him only eight. But then to make him amends (as Father Rouillé observes) Val. Max. gives him 180 collars instead of only eighty-eight, and Pliny above 160 bracelets instead of only sixty.

The reason why Livy says nothing of Sicinius's exploit in the war, which Veturius and Romilius conducted against the Æqui, is evident: he did not believe one word of it. What he relates is contradictory to Dionysius's account. For, according to the Latin historian, the consuls sold all the plenteous spoil of the enemy, and sent the produce to the treasury; whereas, according to the Greek historian, Sicinius burnt and destroyed every thing, to the end that the consuls, having no marks of victory to shew, might be refused a triumph.

If one considers the singular negligence of the consuls after the victory, with regard to the enemy's camp, which contained such a rich booty; the monstrous breaches of discipline imputed to that old soldier Sicinius; the injustice which, in burning the spoil, he is guilty of towards the consuls' troops, who expected to share it among them, and with whom he was in terms of affection; and, lastly, the senate's approving all this conduct, and taking part with him against the consuls: I say, if one considers these things, it may incline one to believe, that Dionysius borrowed his account from some memoirs as authentic as the history of Guy earl of Warwick.

^s When Livy (b. 3. c. 31.) tells us, that the consuls, by selling the booty for the use of the treasury [instead of giving it to the soldiers] furnished the tribunes with money for accusing them to the plebeians, he probably means no more, but that the consuls took advantage of the anger which this proceeding raised in the minds of the people, to carry a prosecution of the consuls on another accusation, namely, that they had abused their power in the dispute about the law.

Year of
R O M E
299.
B. C. 453.
Fifty-
sixth con-
sulship.

stretching his authority in this point, it was provided by the same law, that the highest fines for such offences should never exceed the value of two oxen and thirty sheep.

CHAP. XXVI.

300. SECT. I. The tribunes, finding they cannot by any means bring the consuls to hear of the Agrarian law, return to the pursuit of the Terentian. Romilius, whom the people had lately fined, takes part with them on this occasion. At his motion both senate and people agree to send deputies to Athens, to copy out the laws of Solon, and of the other lawgivers of Greece, in order to form thereby a body of Roman law, to be the future rule to the magistrates in all the parts of their administration. The next year (when Sextus Quintilius and P. Horatius are consuls) there is neither war abroad, nor contention at home, but Rome is dreadfully afflicted by a plague.

301. II. In the following consulate of P. Sestius and T. Menenius, the deputies return from Greece. The people press the nomination of the ten commissioners, or decenvirs, who are to compile the new laws. The consuls, to avoid proceeding in this affair, insist upon a previous election of their successors, under whose administration it is to be settled. Appius Claudius (son of that Appius who killed himself, and grandson of the first Appius) is chosen with T. Genucius. After this, Menenius pretends sickness. The consuls elect, to please the people, offer to forego their pretensions to the consulate, rather than hinder the immediate nomination of the decenvirs. Sestius, the colleague of Menenius, assembles the senate, where it is carried by a majority to create decenvirs, and the tribunes, after some struggle, consent to let them be all patricians. III. The election is made in the comitia by centuries, where Appius is the first named. The decenvirs, having entered upon their office, behave themselves much to the satisfaction of the people. They compose ten tables of laws, which are approved by the centuries assembled.

302. Appius
Claudi-
us III.
Decem-
viral
govern-
ment
and
laws.

§. I. THE law before mentioned, concerning fines for disrespect to magistrates, had (according to Dionysius) been proposed by the present consuls, Tarpeius and Æternius, to make their court to the people. For these consuls were terrified by the ill-treatment of their predecessors,^h whose cause the senate had but weakly defended, after giving them encouragement to hope an effectual protection. And by the same terror they were induced to side with the tribunes in the project for an establishment of laws, and move it in the senate. The

^h Livy, on the contrary, represents Tarpeius and Æternius as not intimidated in the least, by the misfortune of their predecessors, but boldly saying, "the commons and their tribunes may fine us likewise, if they please, yet they shall not prevail to get their bill passed:" that the tribunes, then dropping their bill, and assuming a milder manner than hitherto, desired of the fathers, "that they would put an end to the contention, and if plebeian laws were disagreeable to them, would at least suffer legislators to be created, partly out of the nobles, partly out of the commons, for establishing laws of equality in point of liberty:" that the senate expressed no dislike to the substance of the proposal, and objected only to the admission of into the number of the legislators: and that, after some struggle, the tri-
this point. Liv. b. 3. c. 31.

house was now divided in opinion, and to the great surprise of every body, Romilius, whom the people had so lately ^{Year of} ~~fin~~^{ROM E}, declared for granting to the people the laws they so much desired. He assigned, for the reason ^{299.} of his change, the experienced want of resolution in the senate, to support the consuls in their opposition to the tribunes. And as to forming a body of laws, he advised the fathers to send deputies into Greece, who should copy the celebrated laws of Solon at Athens, and likewise inform themselves of the laws and customs of the other Grecian states; after whose return the consuls and senate should appoint commissioners to make choice of such of the Grecian laws as were most suitable to the present constitution of the Roman republic. ^{B. C. 453.}
^{Fifty-sixth consulship.}

This advice of Romilius both prevailed in the senate ^{p. 676.} and pleased the people. Sicinius, his late enemy, protested that for the future he should ever be his friend. Nay, he went farther, and in the name of the people, remitted him the fine he had been condemned to pay. But, as the money had been consecrated to Ceres, Romilius rejected this favour, as thinking he could not accept it without sacrilege.

A decree conformable to Romilius's proposal being passed by the senate, and confirmed by the people, Sp. Posthumius, A. Manlius, and S. Sulpitius, were soon after commissioned and sent away to make the collection of Grecian laws. No foreign enemies disturbed the state this year. Nor in the following consulship of P. Horatius and Sextus Quintilius, was there either war abroad or contention at home: but the plague afflicted almost all Italy. The consul Quintilius, four tribunes of the people, and great numbers of citizens, of all ranks and conditions, died of it. The people, to avoid it, dispersed themselves about the country. Rome, in this general desolation, became a desert, and some surprise was to be ^{Year of} ~~as~~^{ROM E} from the Æqui, the Volsci, and the Sabines: ^{300.} the pestilence raging among them too with the same ^{B. C. 452.}
^{Fifty-seventh consulship.}
^{D. Hal. b. 10. p. 667.}

fury, their calamity served instead of strength and defence to the republic.

Year of
ROM E
301.
B.C. 451.

Fifty-
eighth
consul-
ship.
Livy,
b. 3. c.
32, 33.
D. Hal.
b. 10.
p. 678,
679.

§. II. THE next year, in the consulship of C. Sestius and T. Menenius, the plague ceased: and the ambassadors, who had been sent into Greece, returned to Rome. Presently the tribunes became very urgent for a nomination of legislators to enter on the great work. The consuls, unwilling to have their magistracy the epoch of an innovation so disadvantageous to the nobles, put off the business under various pretences. At first they alleged in excuse of the delay, that the affair in question being to be settled in the consulship of their successors, nothing ought to be done in it, till those successors were appointed, nor indeed without their participation. To this the tribunes made no objection; but, it is probable, that their impatience hastened the meeting of the centuries; for these were assembled before the usual time. They named Appius Claudius (grandson of the first of that name) and T. Genucius to the consulship. After this election, Menenius, to get rid of the importunity of the tribunes, pretended sickness, and stayed at home. And as for Sestius, he excused himself by saying, that it would not be decent for him to act in so great an affair without his colleague; and he referred them to the consuls elect. To these the tribunes applied themselves, and by much solicitation and fine promises entirely gained them. Appius, in an assembly of the people, to which he went at the desire of the tribunes, made a speech upon the reasonableness of establishing laws equally favourable to all; an establishment which, he said, would put an end to the contention between the two parties, and make Rome, which had been so long divided, as it were, into two states, become one commonwealth. He added, that if the election of himself and his colleague to the consulship should be offered by any person as an objection to the immediate appointment of legislators, they were bot

(provided the senate approved it) to relinquish their pretensions to that dignity.

When the people had first bestowed the highest praise on those two patricians for their disinterested virtue, they ran in crowds to the senate-house. Minucius being still sick, or pretending to be so, Sestius alone (whom perhaps the tribunes had gained by a promise to make him one of the legislators) convened the fathers, and proposed the business. After some opposition from the warm advocates for all old customs, the opinion of the consuls elect prevailed; and, at the motion of Appius, it was agreed, that ten persons, to be chosen out of the body of the senate, should for one year, commencing from the day of their nomination, be invested, for the government of the state, with an authority from which there should lie no appeal; and that the consular, the tribunitian,¹ and all the other magistracies should be suppressed during that space of time.

These decemvirs were to draw up a body of laws extracted from those of Greece, and then communicate the work to the senate and people for their approbation and confirmation.

The tribunes contended awhile for the admission of some plebeians into the number of the legislators, but at length yielded this point, on condition that the decemvirs should not abrogate the Icilian law [relating to Mount Aventine] nor the laws regarding the functions and privileges of the tribunes.

§. III. SHORTLY after, a solemn assembly was held of the whole Roman people convened by centuries, and when the auspices had been taken, and the other ceremonies of religion performed, they proceeded to the election of the decemvirs. Appius Claudius and T. Genucius were the first named; it was thought they deserved

¹ This is the first instance of suspending the tribuneship. The functions of the tribunes had hitherto been always preserved, even under the dictators, and when all other magistracies ceased. The reason was, that the tribunes were not properly oppressors, but only protectors of the people against any oppressions by the magistrates. *Ant. Quest. Rom.* p. 283.

Year of
R O M E
301.

B. C. 451.

Fifty-
eighth
consul-
ship.
P. 679.

Livy,
b. 3,
c. 32.

Ibid.

Year of
R O M E
302.
B. C. 450.

Fifty-
ninth
consul-
ship.
D. Hal.
b. 10.
p. 680.
Liv. b.
3. c. 33.

Year of
R O M E
302.
B. C. 450.

First
decem-
virate.

this honourable preference for the generous abdication they made of the consulship ; then L. Sestius, the consul who had brought this matter before the senate against his colleague's will ; Sp. Posthumius, S. Sulpitius, and A. Manlius, the three deputies who had been sent into Greece ; T. Romilius, who had proposed that deputation ; and to these were added C. Julius, T. Veturius, and P. Horatius, all consulars, and men of distinction, but too old, as some say, to oppose with resolution the sentiments of their colleagues. Appius, by the favour he had acquired with the people, had the modelling of this magistracy.

The decemvirs agreed among themselves that only one of them at a time should have the fasces, assemble the senate, confirm decrees, and act in all respects as supreme magistrate. To this honour they were to succeed by turns, each enjoying it one whole day, and then resigning it to another ; and while one had the badges of sovereign power, the other nine differed not, in their appearance, from private persons, excepting that each of them was attended by an officer called Accensus, who walked before him.

They repaired every morning, each in his turn, to their tribunal in the forum, to dispense justice, which they did with so much impartiality, that the people, charmed with their conduct, seemed to have forgot their tribunes. Most of them prayed to the gods for the continuance of a government so full of moderation ; nay, there were many plebeians, who declared that, instead of restoring the consulate and tribunate, the best thing they could do would be, to find ways to make the decemvirate perpetual.

The people looked upon themselves as chiefly indebted to Appius for the present felicity they enjoyed. And, indeed, by the good understanding he lived in with his colleagues, and by his affable behaviour to the people, acquired universally the reputation of superior

From being an austere patrician who crossed the plebeians in all their pretensions, he was changed to a very Poplicola: nobody so gracious and condescending as Appius: he could call the citizens he met by their names: he saluted even the meanest of the populace, giving them all assurances of his good-will and concern for their interests.

Year of
R O M E
302.
B. C. 450.

First
decem-
virate.

The decemvirs applied themselves diligently this whole year to their work, which, when completed, they exposed in ten tables, fixed up in the forum; and then with great modesty represented to the people assembled, "that they did not know they had omitted any thing necessary to the establishment of that equality which ought to be among the members of a free republic." That nevertheless they would have their fellow-citizens examine the performance carefully, and declare freely what they conceived ought to be retrenched or added; to the intent that the Roman people might for the future live under laws which they might be said to have proposed as well as enacted." The decemvirs for some time sat daily in the forum to receive remonstrances; and whoever had any thing to object against the laws was readily heard. And when all necessary corrections and amendments had been made, and the people in general seemed to be well satisfied, the ten tables were carried before the senate, and there approved by an express decree: soon after which, the decemvirs convened an assembly of the centuries, where the laws, being first read over, were confirmed by the unanimous voices of the whole Roman people.

D. Hal.
b. 10.
p. 681.
Livy,
b. 3.
c. 34.

D. Hal.
b. 10.
p. 681.

* It is said (Plin. b. 34. cap. 5. Strabo, b. 14.) that the laws of Greece were explained to the decemvirs by one Hermodorus of Ephesus, who happened to be at Rome; and that Heraclitus, the friend of Hermodorus, wrote him a congratulatory letter on the share he had in drawing up the Roman laws, adding, that in a dream he had seen all the nations of the earth bowing down before these laws, and worshipping them in the Persian manner.

CHAP. XXVII.

Fragments of the Ten Tables of Laws before mentioned, as they have been collected and digested by the learned Jesuits, Catrou and Ronillé, and also of the Two Tables of Laws soon after added to the Ten.

TABLE I.

OF LAWSUITS.

Year of
ROME
302.
B. C. 450.

First
decem-
virate.

I. LAW. Go immediately with the person who cites you before the judge.

II. Law. If the person you cite refuses to go with you before the judge, take some that are present to be witnesses of it, and you shall have a right to compel him to appear.

III. Law. If the person cited endeavours to escape from you, or puts himself into a posture of resistance, you may seize his body.

IV. Law. If the person prosecuted be old, or infirm, let him be carried in a jumentum or open carriage. But if he refuse that, the prosecutor shall not be obliged to provide him an arcera, or a covered carriage.

V. Law. But if the person cited find a surety, let him go.

VI. Law. Only a rich man shall be security for a rich man. But any security shall be sufficient for a poor man.

VII. Law. The judge shall give judgment according to the agreement made between the two parties, by the way.

VIII. Law. If the person cited has made no agreement with his adversary, let the prætor hear the cause from sunrising till noon; and let both parties be present when it is heard, whether it be in the forum, or comitium.

IX. Law. Let the same prætor give judgment^{ment} after noon, though but one of the parties^{parties} be present.

x. Law. Let no judgments be given after the going down of the sun. Year of
ROME
302.
B.C. 450.

xi. Law. When the parties have pitched upon a judge or arbitrator by consent, let them give securities that they will appear. Let him who does not appear in court pay the penalty agreed upon, unless he was hindered by some great fit of sickness, or by the performance of some vow, or by business of state, or by some indispensable engagement with a foreigner. If any one of these impediments happen to the judge or arbitrator, or either of the parties, let the hearing be put off to another day. First
decem-
virate.

xii. Law. Whoever¹ shall not be able to bring any witnesses to prove his pretensions before the judge, may go and make a clamour for three days together, before his adversary's house.

TABLE II.

OF ROBBERIES.

i. Law. He that is attacked by a robber in the night, let him not be punished if he kills him.

ii. Law. If the robbery be committed by day, and if the robber be taken in the fact, let him be beaten with

¹ The plaintiff was often disappointed of his demand upon the defendant, and the prosecution declared null, for want of witnesses. In order to remove this inconvenience, the decemviri made a law, which gave the person injured leave to go to the door of his house whom he intended to prosecute; to repeat the subject of his complaint with a loud voice: and even to have recourse to invectives if there was occasion: and to continue this for three market-days together, because the country people came then to Rome, about their business. Hence came the custom, which continues to this day, of sending three summons, before judgment is given by default. If after these repeated clamours the person cited still refused to make restitution, the plaintiff had a right to call those in the neighbourhood who heard him, as witnesses, and go in with them, even by force, into his adversary's house, and there seize his own goods wherever he found them. The law was thus expressed. *Cui testimonium defuerit, is tertiis diebus, obportum, obvagulatam illo; that is to say, "ei qui testimonio destituitur, liceat, tertiis nudinis, reum ante ædes, convitiis et clamoribus appetere."* According to Festus, *portus* had anciently the same signification as *domus* or *ædes*. The word *obvagulatam* is, says Festus, put for *questionem cum convitiis*, i. e. a demand made with great outcries and invectives. In this sense the civilians interpret the verb *vagulo*, which they derive from the verb *vagio*.

Turneb. b. 2. advers. c. 26. and Salmassius Observ. ad jus. Attic. et Ro. cap. 30. state this law in a different manner. Their interpretation of it is this: if the plaintiff cannot produce his witnesses, let him go to the house of him whose testimony he had a right to expect; and let him require him to bear witness for him with great cries, and injurious reflections, if the witness obstinately persists in the refusing it.

Year of
R O M E
302.
B. C. 490.

First
decem-
virate.

rods, and become the slave of him whom he robbed. If the robber be a slave already, let him be beaten with rods, and thrown down headlong from the top of the Capitol. If he be a child under the age of puberty, let him be corrected, according to the prætor's discretion, and let reparation be made to the injured party.

III. Law. When robbers attack any person with arms, if the person attacked has cried out for help, he shall not be punished if he kill the robbers.

IV. Law. When upon a legal search any stolen goods are found in a house, the robbery shall be punished upon the spot, as if openly and publicly committed.

V. Law. For robberies committed privately, the robber shall be condemned to pay double the value of the things stolen.

VI. Law. Whosoever shall cut down trees which do not belong to him, he shall pay twenty-five asses of brass for every tree so felled.

VII. Law. If any one comes privately, by night, and treads down another man's field of corn, or reaps his harvest, let him be hanged up, and put to death, as a victim devoted to Ceres. But if he be a child, under the age of puberty, let the prætor order him to be corrected as he shall think fit, or let double satisfaction be made for the damage he has done.

VIII. Law. If a robber and the person robbed agree together upon terms of restitution, no farther action shall lie against the robber.

IX. Law. Prescription shall never be pleaded as a right to stolen goods, nor shall a foreigner have a right to the goods of any Roman citizen, by the longest possession.

X. Law. If any one betrays his trust, with respect to what is deposited in his hands, let him pay double the value of what was so deposited, to him who intrusted him with it.

XI. Law. If any one finds any of his goods

other man's possession, who became possessed of them by a breach of trust, let the prætor nominate three arbitrators to judge of it: and let the wrongful possessor pay double the value of what he has gained by detaining them.

Year of
ROME
502.
B. C. 450.

First
decem-
virate.

XII. Law. If a slave has committed a robbery, or done any damage, with the privity and at the instigation of his master, let the master deliver up the slave to the person injured, by way of compensation.

TABLE III.

OF LOANS, AND THE RIGHT OF CREDITORS OVER THEIR DEBTORS.

I. Law. Let him who takes more than one per cent. interest for money, be condemned to pay four times the sum lent.

II. Law. When any person acknowledges a debt, or is condemned to pay it, the creditor shall give his debtor thirty days for the payment of it: after which, he shall cause him to be seized, and brought before a judge.

III. Law. If the debtor refuses to pay his debt, and can find no security, his creditor may carry him home, and either tie him by the neck, or put irons upon his feet, provided the chain does not weigh above fifteen pounds: but it may be lighter, if he pleases.

IV. Law. If the captive debtor will live at his own expense, let him; if not, let him who keeps him in chains allow him a pound of meal a day, or more if he pleases.

V. Law. The creditor may keep his debtor prisoner for sixty days. If in this time the debtor does not find means to pay him, he that detains him shall bring him out before the people three market-days, and proclaim the sum of which he has been defrauded.

VI. Law. If the debtor be insolvent to several creditors, let his body be cut in pieces on the third market-

Year of
R O M E
302.
B. C. 450.

First
decem-
virate.

day. It may be cut into more or fewer pieces with impunity: or, if his creditors consent to it, let him be sold to foreigners beyond the Tiber.

TABLE IV.

OF THE RIGHT OF FATHERS OF FAMILIES.

I. Law. Let a father have the power of life and death over his legitimate children, and let him sell them when he pleases.

II. Law. But, if a father has sold his son three times, let the son then be out of his father's power.

III. Law. If a father has a child born which is monstrously deformed, let him kill him immediately.

IV. Law. Let not a son, whose father has so far neglected his education as not to teach him a trade, be obliged to maintain his father in want; otherwise let all sons be obliged to relieve their fathers.

V. Law. Let not a bastard be obliged to work to maintain his father.

TABLE V.

OF INHERITANCES AND GUARDIANSHIPS.

I. Law. After the death of a father of a family, let the disposition be made of his estate, and his appointment concerning the guardianship of his children be observed.

II. Law. If he dies intestate, and has no children to succeed him, let his nearest relation be his heir; if he has no near relation, let a man of his own name be his heir.

III. Law. When a freedman dies intestate, and without heirs, if his patron be alive, or has left children, let the effects of the freedman go to the family of his patron.

IV. Law. After the death of a debtor, his debts shall be paid by his heirs, in proportion to the share they have in his inheritance. After this, they may divide th

of his effects, if they please, and the prætor shall appoint three arbitrators to make the division.

Year of
ROM 2
302.
B. C. 450.
First
decem-
virate.

v. Law. If a father of a family dies intestate, and leaves an heir under age, let the child's nearest relation be his guardian.

vi. Law. If any one becomes mad, or prodigal, and has nobody to take care of him, let a relation, or, if he has none, a man of his own name, have the care of his person and estate.

TABLE VI.

OF PROPERTY AND POSSESSION.

i. Law. When a man conveys his estate to another, let the terms of the conveyance create the right.

ii. Law. If a slave, who was made free on condition of paying a certain sum, be afterward sold, let him be set at liberty, if he pays the person who has bought him the sum agreed upon.

iii. Law. Let not any piece of merchandise, though sold and delivered, belong to the buyer, till he has paid for it.

iv. Law. Let two years' possession amount to a prescription for lands, and one for moveables.

v. Law. In litigated cases the presumption shall always be on the side of the possessor; and in disputes about liberty or slavery, the presumption shall always be on the side of liberty.

TABLE VII.

OF TRESPASSES AND DAMAGES.

i. Law. If a beast does any damage in a field, let the master of the beast make satisfaction, or give up his beast.

ii. Law. If you find a rafter or a pole which belongs to you, in another man's house or vineyard, and they are made use of, do not pull down the house, or ruin the vineyard; but make the possessor pay double the

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R O M E
302.
B. C. 450.

value of the thing stolen; and when the house is destroyed, or the pole taken out of the vineyard, then seize what is your own.

First
decem-
virate.

III. Law. Whoever shall maliciously set fire to another man's house, or a heap of corn near his house, shall be imprisoned, scourged, and burnt to death. If he did it by accident, let him repair the damage; and if he be a poor man, let him be slightly corrected.

IV. Law. Whoever shall deprive another of the use of a limb, shall be punished according to the law of retaliation, if the person injured does not agree to accept some other satisfaction.

V. Law. If he has only dislocated a bone, let him pay 300 pounds of brass, if the sufferer be a freedman, and 150 if he be a slave.

VI. Law. For common blows with the fist, and injurious words, the punishment shall be 25 asses of brass.

VII. Law. Whoever slanders another by words, or defamatory verses, and injures his reputation, shall be beaten with a club.

VIII. Law. Let him who has once been a witness, and refuses to bear witness again, though a public person, be deemed infamous, and made incapable of bearing witness any more.

IX. Law. Let every false witness be thrown down headlong from the capitol.

X. Law. Whoever shall wilfully kill a freedman, or shall make use of magical words to hurt him, or shall have prepared poison for him, or given it to him, shall be punished as a homicide.

XI. Law. Let all parricides be thrown into the river, sewed up in a leather bag, and with their heads veiled.

XII. Law. The guardian who manages the affairs of his ward ill, shall be reprimanded; and if he be found to have cheated him, he shall restore double.

XIII. Law. A patron who shall have defrauded client, shall be execrable.

TABLE VIII.

OF ESTATES IN THE COUNTRY.

Year of
ROME
302.
B.C. 450.

First
decem-
virate.

I. Law. Let the space of two feet and a half of ground be always left between one house and another.

II. Law. Societies may make what by-laws they please among themselves, provided they do not interfere with the public laws.

III. Law. When two neighbours have any disputes about their bounds, the prætor shall assign them three arbitrators.

IV. Law. When a tree planted in a field does injury to an adjoining field by its shade, let its branches be cut off fifteen feet high.

V. Law. If the fruit of a tree falls into a neighbouring field, the owner of the tree may go and pick it up.

VI. Law. If a man would make a drain, to carry off the rain-water from his ground to his neighbour's, let the prætor appoint three arbitrators, to judge of the damage the water may do, and prevent it.

VII. Law. Roads shall be eight feet wide, where they run straight; and where they turn, sixteen.

VIII. Law. If a road between two fields be bad, the traveller may drive through which field he pleases.

TABLE IX.

OF THE COMMON RIGHTS OF THE PEOPLE.

I. Law. Let not privilege be granted to any person.

II. Law. Let both debtors who are got out of slavery, and strangers who have rebelled and returned to their duty, be restored to their ancient rights, as if they never offended.

III. Law. It shall be a capital crime for a judge or arbitrator to take money for passing judgment.

IV. Law. Let all causes, relating to the life, liberty, or rights, of a Roman citizen, be tried only in comitia

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v. Law. Let the people appoint quæstors, to take cognizance of all capital cases.

vi. Law. Whoever shall hold seditious assemblies in the city by night, shall be put to death.

vii. Law. Let him who shall have solicited a foreigner to declare himself against Rome, or shall have delivered up a Roman citizen to a foreigner, lose his life.

viii. Law. Let only the last laws of the people be in force [i. e. let the last supersede all former ones, in the same case made and provided.]

TABLE X.

OF FUNERALS, AND ALL CEREMONIES RELATING TO THE DEAD.

i. Law. Let no dead body be interred or burnt within the city.

ii. Law. Let all costliness and excessive wailings be banished from funerals.

iii. Law. Let not the wood with which funeral-piles are built, be cut with a saw.^m

iv. Law. Let the dead body be covered with no more than three habits, bordered with purple; and let no more than ten players upon the flute be employed in celebrating the obsequies.ⁿ

v. Law. Let not the women tear their faces, or disfigure themselves, or make hideous outcries.

vi. Law. Let not any part of a dead body be carried

^m *Rogum ascia ne polito*, are the Latin words of this law, which seems to have passed from the Athenians to the Romans. Solon, and after him Phalerius, forbade the use of joinery, and the ornaments of sculpture in the building of sepulchres.

ⁿ It was a law established by Solon, that no more than three robes should be buried or burnt with the corpse; it being customary among the ancients to load the funeral-pile or fill the sepulchre with rich habits, and all the valuable things the deceased had had in his lifetime; agreeable to these lines of Virgil in his sixth *Æneid*, v. 220.

— Tum membra toro defleta reponunt,
Purpureasque super vestes, velamina nota,
Conjiciunt.

The latter clause of this law did not hinder the Romans from joining flutes in the funerals of great men.

away, in order to perform other obsequies for the de- Year of
ceased, unless he died in war, or out of his own country.^o ROM E 302.

VII. Law. Let no slaves be embalmed after their death; let there be no drinking round a dead body; nor let any perfumed liquors be poured upon it.

VIII. Law. Let no crowns, festoons, perfuming-pots, or any kind of perfume, be carried to funerals.

ix. **Law.** If the deceased has merited a crown in the public games, by any exploit of his own, or the expertness of his slaves, or the swiftness of his horses, let his panegyric be made at his funeral, and let his relations have leave to put a crown upon his head, as well during the seven days he remains in the house, as when he is carried to be buried.

x. Law. Let no man have more than one funeral made for him, or than one bed put under him.

xI. Law. Let no gold be used in any obsequies, unless the jaw of the deceased has been tied up with a gold

° The civilians have given us this law, after Tully, de Legib. b. 2. c. 24. thus, “ homini mortuo ne ossa legito, quo post funus faciat, extra quam si belli, endove hostio, mortuus esset.” It often happened at Rome, that the friends and relations of the deceased carried off some parts of his body, during the celebration of the obsequies, in order to perform another funeral for him in private : which multiplied expenses, and renewed useless grief. The decemviri therefore forbade this custom. Nevertheless, the practice of interring still continued at Rome, even with regard to those bodies which were burnt. The relations and friends of the deceased reserved a small part of his body, a finger, for instance, or a bone, and buried it with as much ceremony, as if it had been the whole body. By this means the Romans intended to preserve the ancient custom of burial, ‘ without which,’ says Cicero, ‘ the place where the body had been burnt, was not consecrated by religion, nor therefore could any one legally build a sepulchre there.’ “ Nam priusquam in os injecta gleba est, locus ille, ubi crematum est corpus, nihil habet religionis. Injectâ glebâ, tam et illic humatus est, et sepulcrum vocatur, ac tum denique multa religiosa jura complectitur.” The law makes an exception for those who had died in war, or in a distant country, or who had been devoured by some wild beast, &c. It was lawful to make a funeral pomp for such, in honour of their bravery, and to erect one of those tombs for them, which the ancients called ‘ cenotaphia.’ It was a received opinion, according to the superstition of those times, that these empty sepulchres were retreats for the wandering souls of those who had had no burial. This defect was supplied by throwing three handfuls of earth upon the tomb, and calling the deceased by his name three times. Aeneas paid this tribute to the memory of young Polydorus :

Ergo instauremus Polydoro funus, et ingens
 Aggeritur tumulo tellus: stant manibus aræ:
 * animamque sepulcro
 Condimus, et magna supremum voce ciemus. *Æneid* 3. 62.

Et sepae in tumulis, sine corpore, nomina legi.

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thread. In that case the corpse may be interred or burnt with the gold thread.

XII. Law. For the future, let no sepulchre be built, or funeral-pile raised, within sixty feet of any house, without the consent of the owner of the house.

XIII. Law. Prescription shall never be pleaded against a man's right to his burial-place, or the entrance to it.

TABLE XI.

OF THE WORSHIP OF THE GODS, AND OF RELIGION.

The laws
of the
11th and
12th ta-
bles were
not drawn
up till the
next year
303, nor
passed till
305 of
Rome.

I. Law. Let all persons come with purity and piety to the assemblies of religion, and banish all extravagance from thence. If any one does otherwise, may the gods themselves revenge it.

II. Law. Let no person have particular gods of his own; or worship any new and foreign ones in private, unless they are authorized by public authority.

III. Law. Let every one enjoy the temples consecrated by his forefathers, the sacred groves in his fields, and the oratories of his Lares. And let every one observe the rites used in his own family, and by his ancestors, in the worship of his domestic gods.

IV. Law. Honour the gods of heaven, not only those who have always been esteemed such, but those likewise whose merit has raised them thither, as Hercules, Bacchus, Æsculapius, Castor, Pollux, and Romulus.

V. Law. Let those commendable qualities, by which heroes obtained heaven, be ranked among the gods, as understanding, virtue, piety, fidelity; and let temples be erected to them. But let no worship ever be paid to any vice.

VI. Law. Let the most authorized ceremonies be observed.

VII. Law. Let lawsuits be suspended on festivals, and let the slaves have leave to celebrate them after they have done their work. That it may be known on what days they fall, let them be set down in the calend

VIII. Law. Let the priests offer up in sacrifice to the gods, on certain days, the fruits of the earth, and berries: and on other days abundance of milk, and young victims. For fear this ceremony should be omitted, the priests shall end their year with it. Let them likewise take care to choose for every god the victim he likes. Let there be priests appointed for some gods, flamines for others, and pontifices to preside over them all.

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IX. Law. Let no woman be present at the sacrifices which are offered up in the night, except at those which are made for the people, with the usual ceremonies. Nor let any one be initiated in any mysteries brought from Greece, but those of Ceres.

X. Law. If any one steals what belongs, or is devoted to the gods, let him be punished as a parricide.

XI. Law. Leave perjury to be punished with death by the gods, and let it be punished with perpetual disgrace by men.

XII. Law. Let the pontifices punish incest with death.

XIII. Law. Let every one strictly perform his vows: but let no wicked person dare to make any offerings to the gods.

XIV. Law. Let no man dedicate his field to the service of the altar; and let him be discreet in his offerings of gold, silver, or ivory. Let no man dedicate a litigated estate to the gods: if he does, he shall pay double the value of it to him, whose right it shall appear to be.

XV. Law. Let every man constantly observe his family-festivals.

XVI. Law. Let him who has been guilty of any of those faults, which make men execrable, and are not to be atoned for by expiations, be deemed impious. But let the priests expiate such as are to be expiated.^p

^p "Sacrum commissum, quod neque expiari poterit, impie commissum est: quod expiari poterit, publici sacerdotes expiatio." That is to say, a premeditated crime be expiated by the blood of victims, because it implied a formal contempt

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TABLE XII.

OF MARRIAGES, AND THE RIGHTS OF HUSBANDS.

I. Law. When a woman shall have cohabited with a man for a whole year, without having been three nights absent from him, let her be deemed his wife.¹

II. Law. If a man catches his wife in adultery, or finds her drunk, he may, with the consent of her relations, punish her even with death.

III. Law. When a man will put away his wife, the form of doing it shall be by taking from her the keys of the house, and giving her what she brought. This shall be the manner of a divorce.

IV. Law. A child born of a widow, in the tenth month after the decease of her husband shall be deemed legitimate.

V. Law. It shall not be lawful for the patricians to intermarry with the plebeians.²

of the gods. It therefore was the guilty person's business to repair the injury he had done religion by repentance and legal satisfaction.

¹ This law is quoted by Aulus Gellius, (b. 3. c. 2.) and by Macrobius Saturnal. (b. 1. c. 3.) The civilians state it as follows: "Mulieris, quæ annum, matrimonii ergo, apud virum remansit, ni tri noctium ab eo, usurpandi ergo, abesit, usus esto," i. e. Let a man be absolute master of a woman, who has cohabited with him for the space of one year, provided that, in all this time, she has not been absent from him three nights. She then became his wife, yet not in such a manner, as to be a sharer in the husband's goods, or to have a right to his inheritance. So that this was being in a condition much below that of a lawful wife; by which we mean one whose marriage was solemnized with the usual ceremonies.

² Cicero declares it as his positive judgment and opinion, that "the laws of the twelve tables are justly to be preferred to whole libraries of the philosophers." Cic. de Orat. b. 1.

These laws being established, it necessarily followed, that there should be disputes and controversies in the courts, since the interpretation was to be founded on the authority of the learned. This interpretation they called *jus civile*, though at present we understand by that phrase the whole system of the Roman laws.

Besides, out of all these laws the learned men of that time composed a scheme of forms and cases, by which the processes in the courts were directed. These were termed *actiones leges*.

We may add to these the laws preferred at the public assemblies of the people; and the plebiscita, made without the authority of the senate, at the *comitia tributa*, which were allowed to be of equal force with other constitutions, though they were not honoured with the title of *leges*.

And then the *senatus consulta*, and edicts of the supreme magistrates, particularly of the prætors, made up two more sorts of laws, the last of which they called *jus honorarium*.

And, lastly, when the government was intrusted in the hands of a single person, whatever he ordained had the authority of a law, with the name of *principalis constitutio*.

Most of these daily increasing, gave so much scope to the lawyers for the compiling of reports and other labours, that in the reign of Justinian, there were ext

CHAP. XXVIII.

SECT. I. The people and senate agree to have the same sort of government continued for another year, in order to the adding two tables of laws to the ten already established. The colleagues of Appius, suspecting him of ambitious views, declare him president of the assembly where the second election of decemvirs is to be made, thinking thereby to hinder him from being one of the candidates. But Appius, in spite of all decency, names himself the first, and not only gains the voices of the assembly in his own favour, but in favour of nine men (three of them plebeians), all devoted to his will; to the exclusion of all his late colleagues, and of the best men in the republic. II. The new decemvirs privately agree to make their authority perpetual. They exercise an absolute and cruel tyranny. C. Claudius, the uncle of Appius, would reprove him for his conduct, but cannot get admittance to him. Two new tables of laws are drawn up. III. The year of the decemvirs' government being expired, they continue themselves in office by their own authority. They convene the senate in order to obtain a levy of troops to oppose the incursions of the Æqui and Sabines. Valerius, an avowed enemy of the decemvirs, in the warmth of his zeal, rises up to speak before his turn. Appius commands him silence, and not being obeyed, threatens to punish him as an incendiary. Horatius answers the decemvir in a bold speech, which makes him soften his tone and manner. Appius desires his uncle C. Claudius to give his opinion. The uncle with great frankness reproves his nephew for all his vices and tyranny, and exhorts him to divest himself of a power which he held only by usurpation, and which in the end would prove fatal to him. He concludes with declaring against any levies of troops till the consulship be restored. The Quinctii and all the other eminent members of the senate are of the same opinion. 'The majority is nevertheless for empowering the decemvirs to raise troops, and to command them; which Appius perceiving, then calls upon Valerius to speak his opinion. Valerius declares for naming a dictator, and moves to have the question put, and this motion is seconded; but the other party cry out, that the affair is already determined, and the care of the war given to the decemvirs. A decree to that effect is accordingly drawn up. IV. Valerius and Horatius, to secure themselves from being insulted by the decemvirs, keep guards about their persons. Many of the senators, and other principal citizens, retire into the country. Appius confiscates their estates. V. Fabius with two other of the decemvirs, leads an army against the Sabines. Five other decemvirs lead five legions against the Æqui. Appius and Oppius stay with a body of troops in Rome. Nothing succeeds in the two camps, the soldiers being resolved not to conquer. Sicinius Dentatus, that old soldier, who had been in 120 battles, publicly gives out at Rome, that the misfortunes of the campaign are owing to the incapacity of the generals. Appius hereupon contrives, in concert with the decemvirs, who command against the Sabines, to get him treacherously murdered. The discovery and report of so detestable a villany disperses the soldiers to revolt.

Sicinius
Dentatus
treacherously
murdered.

§. I. **THOUGH** the laws contained in the *ten tables* had been approved in all their parts, both by the nobles and the plebeians; yet many persons were of opinion, that several regulations, which would fill two other tables, ought to be added to the former, in order to make a complete body of Roman laws. This notion prevailing,

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D. Hal.
b. 10.
p. 681,

2000 distinct volumes on this subject. The body of the law being thus grown unwieldy, and rendered almost useless by its excessive bulk, that excellent emperor entered on a design to bring it into just dimensions; which was happily accomplished in the constituting those four tomes of the civil law, which are now extant, and have contributed, in a great measure, to the regulating of all the states in Christendom: so that the old fancy of the Romans, about the eternity of their command, is not so ridiculous as at first sight it appears, since by their admirable sanctions, they are still likely to govern for ever. Kennet's Antiq. part. 2. b. 3. chap. 21.

682.
Livy,
b. 3. c.
34, 35.

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it occasioned a proposal of continuing the decemviral government for one year more: the senate and the people with equal readiness, though for different reasons, consented to the motion. The people were extremely desirous to keep back the restoration of the consular authority, and at present they found but little want of the protection of their tribunes, because the decemvirs admitted in some sort of appeals, allowing causes which had been determined by one of them to be reheard by another. And as for the senators, they were glad at any rate to be rid of the tribunes, those plebeian magistrates so odious to them, and whose functions they now conceived hopes of entirely abolishing. Before the holding of the comitia for electing new decemvirs, the senate fell into divisions about that dignity. Some aspired to it out of ambition; others, who had been the warmest opposers of its establishment, courted the office now; but it was only in order to exclude those whose behaviour gave cause to suspect them of some ill designs.

Appius at first pretended to be weary of a charge so difficult and laborious, and to be very averse to burden himself with it a second time. But his well-known and avowed intimacy with the Duilii and Icillii, the leading men among the people; the pains he took to make himself agreeable to the plebeians; his affability and moderation, so contrary to the pride of the Claudian family; all this gave great uneasiness to his competitors, and rendered him suspicious to his colleagues. These latter, to make sure of his exclusion, appointed him to preside at the new election, and as it was the custom at every election for the president to give out the names of those who stood for the office in question, they imagined, that Appius, after the declarations he had made, could not have the assurance to put his own name in the list of candidates: besides, excepting an instance or two of some shameless tribunes of the people, it was a thing unheard of, that he who presided at an election of ma-

gistrates, should offer himself for one. Appius, nevertheless, contrary to all rules of decency, proposed himself for first decemvir; and the people, who were now entirely devoted to him, readily gave him their suffrages. The other persons chosen to the government were such as Appius had favoured and recommended. The first of the number was Q. Fabius Vibulanus, who had been three times consul, a patrician indeed of manners hitherto unblamable. After him were named M. Cornelius, M. Sergius, L. Minucius, T. Antonius, and M. Rabuleius, senators very little esteemed in their own body, but all devoted to the service of Appius, who by his private brigues carried the decemviral dignity in their favour from the Quinctii, and even from his own uncle Claudius, as likewise from his colleagues in the first decemvirate. But what most surprised and alarmed the senate, was, that Appius, forgetting his own glory and that of his ancestors, was not ashamed, out of complaisance to the late tribunes, to whom he had sold his faith, to propose three plebeians for decemvirs, pretending it was but just, that there should be some persons in that college to take care of the interests of the people. Thus he brought in Q. Petilius, Cæso Duilius, and Sp. Oppius, all three plebeians, excluded by their birth from those prime magistracies.

§. II. AND now Appius seeing himself, by means of his dissimulation and cabals, once more at the head of the decemvirate, turned his thoughts wholly to make his domination perpetual. He immediately assembled his new colleagues, who were all obliged to him for their dignities, and throwing off the mask of a republican, represented to them, that being intrusted with a commission wherein the consular authority and that of the tribunes were united, nothing was more easy than to retain this sovereign power during their whole lives; that the sure means thereto was to assume to themselves the cognizance of all affairs, not suffering them to be carried

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before either the senate or the people; to convene these two bodies as seldom as possible; and above all to keep firmly united among themselves. That they ought to have a mutual complaisance for each other; that the whole college ought to interest itself warmly for the particular affairs of each decemvir; and he added, that he thought they should all bind themselves by the most solemn oaths, never to interrupt one another in the execution of their particular designs. As this proposal of Appius agreeably flattered the ambition of his colleagues, they readily came into it, and took the oaths that he required—A new conspiracy against the public liberty.

Livy,
b. 3.
c. 36, 37.
D. Hal.
b. 10.
p. 682.

These magistrates entered into possession of their dignity on the ides of May; and, to strike immediate terror and respect into the people, they appeared in public each with twelve lictors bearing axes among their fasces, like those that used anciently to go before the kings of Rome, and afterward before the dictator; so that the forum was filled with 120 lictors. The people could not see this train and parade of tyranny without indignation. The comparison they made between the moderation of the consuls, and the haughty behaviour of the decemvirs, soon led them to regret their old government. They complained in private, that now ten kings were set up over them instead of two consuls. But these reflections came too late, and it was not in their power to undo their own work. The decemvirs began to reign imperiously and with a despotic authority. Beside their lictors, they had each of them, by way of guard, a band of fellows without house or home, most of them infamous for crimes, or loaded with debts. But what was still more deplorable, there followed in the train of these new magistrates a crowd of young patricians, who, preferring licentiousness to liberty, made their court, in the most abject manner, to the dispensers of favours; and, to provide for their own pleasures, did not blush to be ministers to those of the decemvirs. There was no le

P. 683.
b. 11.
p. 686.

any safe asylum for beauty and virtue. Those unbridled youths, under shelter of the sovereign power, tore the daughter out of the bosom of her mother with impunity. Nor was property in lands or goods any more secure from the invasions of those creatures and supporters of tyranny; upon the most frivolous pretensions they took possession of their neighbours' estates that lay convenient for them. In vain was application made to the decemvirs for redress; the complainants were treated with contempt, their complaints rejected, and favour and self-interest sat in the place of law and justice. If any citizen, warmed with a remaining spark of the ancient liberty, was so bold as to express his resentment, he was beaten with iron rods like a slave; others were banished: some were even put to death; and confiscation always followed the execution.

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The people groaning under so cruel a tyranny turned their eyes to the senate, from whence they hoped for liberty. But most of the senators, dreading the fury of the decemvirs, were retired into the country. Those who stayed in the city were not displeased to find that the severity of the present government made that of the consuls regretted; and they flattered themselves, the people would gladly give up their tribunes, if they could but be delivered from the domination of the decemvirs.

C. Claudius, a consular person, and Appius's uncle, deeply concerned to see his nephew make himself the tyrant of his country, went several times to his house, with an intention to reprove him, and to put him in mind how much he shamed the memory of his ancestors by so odious a conduct: but Appius, guessing at the design of these visits, constantly eluded them, and the venerable old man found by experience, that tyrants never own either relations or friends.

P. 696.

In the mean time the decemvirs drew up two tables of laws to be added to the ten that had been promulgated the year before. Among those additional laws there was

Livy, b.
3, c. 37.
D. Hal.
b. 10.
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one prohibiting alliances between patricians and plebeians by intermarriage; a prohibition which Dionysius conjectures to have been made with a view to perpetuate the divisions between the two orders in the republic; the decemvirs being apprehensive, that if the nobility and commonalty should ever unite, they would turn against them all that animosity which they had used to express against each other.

Livy,
b. 3.
c. 38.

§. III. THE body of Roman law being now completed, and the sole end for which the decemvirate had been instituted being thereby accomplished, it was reasonably hoped, that the tyranny which the public groaned under would shortly cease, and the decemvirs, as soon as their year was expired, be succeeded by consuls. But the ides of May came, and not the least appearance of any comitia for an election of new magistrates. The tyrants then shewed themselves barefaced, and in spite both of senate and people retained the government, without any other title but possession and violence. All who gave them the least umbrage were proscribed; and many citizens voluntarily banished themselves from their country, taking refuge among the Latins and the Hernici.

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virate.

D. Hal.
b. 11.
p. 667.

Every body secretly deplored the loss of liberty, but not one citizen in the whole republic was so generous as to attempt to break her chains. The Roman people seemed to have lost that courage which had formerly made them so much feared and respected by their neighbours. The nations that had submitted to the dominion of the Romans began now to despise them, and they disdained to be subject to a city which had lost her own liberty. The Sabines, after several incursions in flying parties upon the territories of the republic, gathered their forces together into one body, and advancing along the Tiber, encamped near Eretrum, about twelve miles from Rome; and the Æqui, having first ravaged the lands of Tusculum, came and pitched their camp near the Algidus. These two armies, which seemed to

threaten Rome with a siege, much alarmed the decemvirs. It was absolutely necessary to raise troops: but in what method to proceed in the enrolments, whether in a way of gentleness or severity; and whether they should enlist all indiscriminately, or only those who were least disaffected to the government: these were difficulties which at first perplexed them. Nor were they less unresolved, whether to apply to the senate, or to the people, for a decree to levy an army in legal form, or whether they should act in this affair by their own sole authority. At length, after many councils held among themselves on this matter, they determined to convene the senate, believing it easier to engage this body than the other to favour their pretensions; and not doubting but the people, having lost with their tribunes the privilege of opposition, would readily obey a decree of the magistrates, when it had the sanction of the senate's authority.

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virate.

It was a great surprise to the people to hear proclamation made in the forum for the senators to meet. "Thanks to our enemies," said they, "for this single spark of our ancient liberty." But when the decemvirs repaired to the senate-house, they found nobody there except their own creatures, who came prepared to act the parts which had been assigned them.

Livy,
b. 3,
c. 38.

The other senators had thrown up all care of the public affairs; and were retired, as was said before, to their country houses. The decemvirs sent messengers thither to them, appointing another assembly for next day. Most of them returned to Rome, and came to the senate-house; but with views widely different from those of the usurpers.

Appius, in a studied discourse, having laid open the necessity of taking arms, to repel the incursions of the Æqui and Sabines, L. Valerius Potitus, without waiting till it came to his turn to give his opinion, presently stood up. He was the son of that Valerius, who was

C. 39,
et seq.
D. Hal
b. 11.
p. 636.

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slain at the head of the Romans fighting against Herdonius, and grandson of the famous Valerius, surnamed Publicola, one of the chief founders of the public liberty. Appius fearing that a man of that family, and of the same character with his ancestors, would propose something contrary to the interests of the decemvirs, sternly commanded him to set down and hold his peace, telling him, that he ought to wait till senators older than himself, and more considerable in the republic, had declared their opinions first. "You say very well (replied Valerius), had I been going to speak upon the business which you have proposed; but I have matters of much greater moment to lay before this assembly, and what the senate, if I mistake not, will think to be much more worthy of its immediate attention. Whence is it that you have the presumption to impose silence upon me, a senator, a Valerius, standing up for the liberty of the commonwealth? And yet if you persist in this your insolence, your accustomed insolence, to what tribunes shall I have recourse? You have deprived us of that succour which the laws had provided for every citizen under oppression. But is it indeed come to this? And does Valerius, to preserve his rights, want the aid of the tribunitian power? Well then, since you and your colleagues have usurped that power, together with the sovereignty, shall I appeal to you decemvirs? Shall I implore the assistance of you all? To what purpose, when my design is to lay open that conspiracy which you have all formed against the public liberty? Yet to you, Quintus Fabius, who have been honoured with three consulates, to you alone I will appeal. Rise, Fabius, if you have not lost that spirit which was once your glory, rise and succour the oppressed! It is on you that the senate turns its eyes."

P. 469.

Fabius, confounded and overwhelmed with shame, had not power to answer. But Appius and the rest of the decemvirs, starting up in anger from their seats,

cried out once more to Valerius, commanding him silence, and adding threats to their injunctions: so extraordinary a proceeding raised a tumult in the assembly. Many of the senators were filled with indignation at the haughty manner of the decemvirs; but nobody was so highly provoked at it as M. Horatius Barbatus. He was grandson of that Horatius who had been consul with Poplicola. As he had inherited his grandfather's ardent zeal for liberty, and was an intimate friend of Valerius, he could no longer bear the insolence of Appius and his colleagues. He stood up, and loudly called them the Tarquins and tyrants of their country.

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"You talk to us of war began against us by the Sabines, as if the Roman people had greater enemies than yourselves. I would gladly know by what authority you convened this assembly, and by what right you take upon you to preside in it. Is not the time of your magistracy expired? Do you not know that the decemviral power was given you but for one year? We chose you to establish such laws as were fit for a free state to submit to, and you have left no appearance of that equality which was the sole object the Romans had in view. You have suppressed the assemblies both of the people and of the senate. There is no longer any mention made of elections, either of consuls or of tribunes; all the annual magistracies are abolished. It is not the name of king that makes a tyrant. You decemvirs have totally subverted our government, to build upon its ruins your own empire and domination. But know, that the blood of Valerius and Horatius, who formerly drove the Tarquins out of Rome, yet runs in the veins of their descendants. We have the same courage and the same zeal for the liberty of our country. The gods, protectors of this city, will grant us the same success; and I hope the people, no less jealous of their freedom than their ancestors, will never desert us in so just a cause."

Ibid.
Livy,
b. 3.
c. 39.

Horatius was going on with his discourse, when the

D. Hal.
b. 11.
p. 690.

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decemvirs with loud clamours all came and surrounded him, threatening to have him thrown from the Tarpeian rock if he did not instantly hold his peace. But when they perceived that the senate in general expressed an uncommon resentment at this tyrannical invasion of the liberty of speech, they presently repented of their rashness. Appius, to soothe the minds of the senators, having first requested and obtained a moment's silence, assured them that the decemvirs were far from having the least thought of hindering any one of the conscript fathers from freely delivering his opinion: that if he had imposed silence upon Valerius, it was only to oblige him to conform to the ordinary method, which was, that every man should speak in his turn, unless he was particularly applied to by him who presided in the senate: that whatever Horatius might imagine to the contrary, the right of the decemvirs to exercise this authority did still subsist: that their commission had not been limited by the people to one year, or to any fixed period of time, but was to last till the tables of laws were completed and passed in due form; after which they would lay down their magistracy, and give an account of their administration. Then turning to his uncle, C. Claudius, he desired him to speak his mind with freedom. He perhaps flattered himself that Claudius, out of affection for a near relation, or moved by a zeal for the glory and interest of his family, or pleased with the honour of being the first whose opinion was asked, would take upon him to answer the severest parts of Horatius's invective. But the decemvir addressed himself to a true Roman, one who would have sacrificed his own children to the preservation of the public liberty.

P. 691,
et seq.

Claudius observed to the assembly, that two affairs of different natures were then to be considered of; a war abroad, and a remedy for the dissensions at home with relation to the government: that as to the war, the late incursions of the enemies were wholly owing to the en-

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couragement which the intestine divisions in the republic gave them : that therefore the first thing to be done, was to settle peace and union in the city, after which the very appearance of the standards of the legions would be enough to frighten away the Æqui and Sabines, over whom the Romans had already so often triumphed : but that he doubted whether the people would range themselves under the banners of the decemvirs, whom they justly looked upon as private men, who had usurped the sovereign power. Then directing his speech to his nephew, “ Know you not, Appius, how odious your conduct is to all good men ? The voluntary exile to which our most illustrious senators have condemned themselves, does it not sufficiently shew that they look upon you as a tyrant ? The senate very impatiently bears your robbing them of their authority ; the people demand their right of appeal, and that of opposition which you have deprived them of ; all our citizens call upon you, some for their estates, which have been made a prey to your ruffians, others for their daughters, whom you have forced away to satisfy your criminal passions. The whole city, the whole nation, detest a magistracy, which has destroyed their liberty, abolished the use of comitia, usurped the legal authority of the consuls, and suppressed the functions of the tribunes. Restore to the commonwealth the power with which she intrusted you but for one year ; restore to us our ancient form of government ; restore yourself to yourself. Call to mind your former virtue, and generously quit, together with an unwarrantable power, the very name of decemvir, which you have made so odious. I conjure you to this by our common ancestors, by the manes of your father, that illustrious citizen, who left you so noble an example of moderation, and of zeal for the public liberty ; I conjure you especially by your own preservation, and the care of your life, which you must unavoidably lose by some ignominious punishment, if

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you obstinately persist to hold any longer the unjust empire which you have usurped over your fellow-citizens."

Thus spake Claudius, and the senate at first conceived hopes that the decemvirs would be induced to lay down their magistracy. But Appius disdained to give his uncle any answer. M. Cornelius, one of his colleagues, taking upon him to speak, and applying himself directly to C. Claudius, told him proudly, that those who had the government of the republic did not stand in need of his advice to direct their conduct. That if he thought he had a right to give particular counsels to his nephew, he might go to him at his house; that the only affair in question now was the war with the Æqui and Sabines; "Tell us, therefore (said he), your opinion on this point, for on this only it was asked, and do not waste our time in digressions that are nothing to the purpose."

P. 697.

Claudius, yet more provoked at the scornful silence of Appius, than his colleague's insolent answer, rose up again, and turning to the senate, "Since my nephew will not condescend to speak to me, either in his own house, or in full senate, and I am so unhappy as to see the tyrant of my country arise out of my own family, I declare, conscript fathers, that I am resolved to retire to Regillus. I banish myself from Rome, and make an oath never to enter it again but with our liberty. However, to fulfil the obligation I lie under of giving my opinion with relation to the present business, I do not think that any levy of troops ought to be made, till consuls are first chosen to lead them."

L. Quinctius Cincinnatus, T. Quinctius Capitolinus, and L. Lucretius, all consular persons, and the principal men in the senate, declared themselves of the same opinion. M. Cornelius, apprehending that the authority of those great men would draw the rest of the senate after them, interrupted the order of gathering the suffrages, and asked the opinion of his brother L. Corne-

lius,* with whom he had before concerted the speech he should make in case of such an exigence. This senator then rose up, but made no attempt to justify either the authority or conduct of the decemvirs. Taking a more artful turn, he only represented to the assembly, how expedient he thought it would be to defer the election of new magistrates, till the enemy was driven out of the territory of Rome. “ Have those (said he), who are so warm for the abdication of the decemvirs, had any promise from the Æqui and Sabines, that they will put a stop to the progress of their arms, till we have changed the form of our government? You know, conscript fathers, the tedious delays which our elections require: first, there must be a *senatus-consultum* to appoint the comitia by centuries. This assembly cannot be held till seven-and-twenty days after notice given. When the new magistrates are named, and have taken possession of the government, they must prefer a petition for the levies to another assembly of the people; and before all these things can be done, and the necessary troops can be raised to repel the enemy, who will warrant us that we shall not see them at the gates of Rome, and in a condition to lay siege to the city? And what shall we do in this case? Doubtless we shall say to the Æqui and Sabines, ‘ A little patience if you please. Suspend your attack till we have chosen other magistrates. Caius Claudius has persuaded us not to pass any decree for raising forces, unless new generals be first elected to command them. Begone therefore out of our territory, and when you hear that the Roman people have created consuls, and that we have made all necessary preparations for war, you may then return and sue to us for peace.’ Strange infatuation! that such follies should ever enter into the minds of men. Nor surely less strange is our stupidity, that we can hear these triflers without indignation, as if we were consulting for the

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P. 698,
et seq.

* He had been colleague to Q. Fabius in the third consulate of the latter.

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safety of our enemies, not the preservation of our country. My opinion, conscript fathers, is, that our decemvirs immediately enlist the legions, and march against our enemies. Let us drive them from our frontiers, let us force them, by the terror of our arms, to beseech us to grant them peace ; and when we have secured ourselves abroad, then let us employ our thoughts upon our affairs at home : revoke by your authority that of the decemvirs, if they will not of their own accord divest themselves of it : call them to an account for their administration. Elect new magistrates in their room ; and let the republic return again to her ancient constitution ; but permit me to tell you, that in matters of government, we must regulate our proceedings by the times, and never hope to make the times subservient to our desires and projects."

P. 700. * The creatures of the decemvirs declared loudly for this opinion, and the greater part of the senators came into it, some as thinking it necessary in the present conjuncture, and others out of fear of the tyrants. Nay, some of the oldest senators took the same side, in hopes that after the war was finished, the abdication of the decemvirs would quietly follow of course, and so the government return naturally into the hands of the consuls ; and that prudent magistrates by their moderation might perhaps gradually accustom the people to do without their tribunes.

Livy,
b. 3.
c. 14.

D. Hal.
b. 11.
p. 700,
701.

Appius, who with a secret pleasure saw that the majority were of the opinion of Cornelius, did then only for form's sake desire that of Valerius, on whom he had imposed silence at the beginning of the assembly. Valerius, rising up, spoke to this effect : " You see, conscript fathers, the crafty and deceitful management of these decemvirs. My mouth was stopped so long as they apprehended that what I had to offer might make some impression upon the assembly to the disadvantage of their pretensions : but now when the majority has

declared for the opinion of Cornelius, why now truly they condescend to ask me mine, imagining, doubtless, that nothing which I can say, be it ever so reasonable, will be of any effect. I shall, nevertheless, deliver my thoughts with freedom, and you are still masters to determine as you shall judge to be most for the good of the republic.

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“ I declare then, in the first place, that I heartily subscribe to what C. Claudius has so wisely represented to you, concerning the expediency of creating new magistrates before we take the field. But since L. Cornelius, the avowed advocate of tyranny, has endeavoured to turn so judicious a counsel into ridicule, upon pretence that the delays requisite for the election of those magistrates would waste the time that should be employed in repelling the enemy, I think myself obliged to shew you the weakness and fallacy of this wretched reasoning. To convince you that such it is, do but call to mind the measures which the republic took about ten years ago, against the same enemies, in the consulate of C. Nautius and L. Minucius.

“ You know that while Nautius was on one side fighting against the Sabines, Minucius, on the other, suffered himself to be shut up by the Æqui in the narrow passes of some mountains. There was a necessity of raising a new army to relieve him; the tribunes (according to custom) opposed all levies of troops, unless the senate would admit the law concerning the partition of the lands. In this extremity, as neither party would abate any thing of its pretensions, recourse was had to a dictator, a magistrate superior both to the senate and the tribunes of the people: L. Quinctius was chosen; he was sent for out of the country; he came to Rome; he raised a new army, and in a fortnight's time brought off that of Minucius, and triumphed over the enemy. What hinders, in the present exigence, to follow so wise and so recent an example? Let us choose an in-

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terrex, as was the practice upon the demise of the kings, and has ever been the practice when the state happened to be left, as it is now, without legal magistrates. Let him name a dictator. These things may be done in less than a day. The dictator will raise troops by the supreme power belonging to his dignity: we shall march against our enemies without delay; and at our return from the campaign, that magistrate, whose power cannot last longer than six months, will give us an opportunity to proceed at leisure, and according to the usual forms, upon the election of consuls. If, on the other hand, you intrust the command of your armies with the decemvirs, do you imagine that these ambitious men, who have usurped a tyrannical power, and in spite of all our laws refuse so obstinately to deliver up the fasces, will easily be brought to lay down their arms? Believe rather they will turn them against you yourselves, and make use of them to perpetuate their tyranny. I demand therefore, that, in the extreme danger wherein the public liberty now is, the proposal I make to name a dictator be examined, and the opinions and votes of the senate taken thereupon."

P. 702.

Almost all the senators who were to speak after Valerius declared for this motion, as did also many of those who had before voted for the continuation of the decemvirate: but Cornelius cried out, that the affair upon which the senate had met was already decided, and that nothing new ought now to be proposed. A warm dispute hereupon arose, with much clamour and tumult. Appius, taking advantage of the disorder to accomplish his desires, stepped forth into the midst of the assembly, and spoke thus: "You were called together, conscript fathers, to deliberate concerning a war with the Æqui and Sabines. Claudius, Cornelius, and Valerius, have given different opinions. The voices of the assembly have been all taken, and the opinion of Cornelius has prevailed." He added with a contemptuous smile, "As

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for Valerius and his friends, if ever they attain to the consulship, let them, if they please, revise and make void decrees, which you in your wisdom have thought fit to pass." This said, he ordered the secretary to read aloud the *senatus-consultum* (which he had already made him draw up in writing), empowering the decemvirs to raise troops, and to conduct the war. He then dismissed the assembly, and withdrew.

§. IV. THE new powers which by this decree were P. 703. granted to the decemvirs, not only in some manner confirmed their authority, but made it more formidable than ever. They employed it to revenge themselves of their personal enemies, and they reckoned as such all those who did not submit to be their slaves. The most timorous among the citizens became as submissive and complying as the tyrants could wish : others, less fearful, only quitted all attention to public affairs, and turned their thoughts to live in quiet ; but the men of courage and spirit held private assemblies to concert measures for restoring liberty to the commonwealth. At the head of these were Valerius and Horatius. They gathered together in their houses a great number of their friends and clients to secure them against the violence of the decemvirs ; and they never appeared in the city without a powerful attendance, strong enough to repel the insults they had reason to expect. As for C. Claudius, he left Rome, as he had declared in full senate he would do, and retired to Regillus, the native city of his ancestors. Other senators, and many of the principal citizens of Rome, who could not endure the tyranny of the decemvirs, and yet found themselves unable to destroy it, sought an asylum in the country, or among the neighbouring nations. Appius, enraged P. 704. to see so convincing a proof given of the aversion which the best men in the republic had to his government, placed guards at the city gates ; but finding that this precaution only increased the number of the malcon-

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Livy,
b. 3. c.
41, 42.

tents, and fearing a general revolt, he removed the guard, leaving every body free to retire that would; but, to be revenged of those who withdrew, he confiscated the effects they had in Rome, with which he paid and rewarded his ruffians.

§. v. AND now the decemvirs began to raise troops for the war. Ten legions, soon completed, were divided into three bodies. The decemvirs agreed among themselves, that Appius and Oppius, invested with an authority equal to that of the decemvirs united, should remain at Rome, and keep a garrison, consisting of two legions, in the capitol. Q. Fabius Vibulanus, with whom two other of the decemvirs, Q. Petilius and M. Rabuleius, were joined in commission, marched against the Sabines at the head of three legions. M. Cornelius, L. Minucius, M. Sergius, T. Antonius, and C. Duilius, all decemvirs, led five legions against the *Æqui*. The auxiliary troops of the Latins and other allies were, according to Dionysius, equal in number to the Romans. Nevertheless, with this mighty force the generals could effect nothing. The Roman soldiers having a quick sense of their loss of liberty, would not conquer, for fear of increasing the power of the decemvirs. Both armies suffered themselves to be defeated almost without fighting. The legions appointed against the Sabines, after some slight losses near Eretrum, made a hasty retreat in the night, and pitched their camp in the territory of Rome, between Fidenæ and Crustumeria. And as for those who were to act against the *Æqui* (posted upon the *Algidus*), they lost their camp and baggage, and fled for refuge to Tusculum. The news of these defeats was received at Rome with the same joy that would at another time have been shewn for a complete victory.

D. Hal.
b. 13.
p. 706.

Appius, attentive to all events, sent recruits and provisions to his colleagues. He exhorted them, by letters, to keep the soldiers in awe by the terror of punishment, unless they judged this method to be dangerous

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in the present conjuncture. In that case he added, that they would not want opportunities during the campaign to destroy the most mutinous by private ways; and he himself set them an example.

Sicinius Dentatus, that renowned plebeian, who had been in 120 engagements, filled the ears of the multitude with the faults which he affirmed the decemvirs had committed in the management of this war. Appius, to get him out of Rome, pretended an earnest desire to consult him upon the operations of the campaign. He sent for him, discoursed with him several times, admired his wisdom, and engaged him to go to the army at Crustumeria, and assist the generals with his counsels. And the sooner to induce him to make the campaign, he dignified him with the character of envoy or legate, which among the Romans (according to Dionysius) not only gave him who was honoured with it the authority of a general, but made his person sacred and inviolable, as that of a priest.

Sicinius, free from distrust, and with the sincerity P. 707. of a brave soldier, gladly embraced an opportunity of serving his country. He repaired to the camp with all speed. The decemvirs, instructed by Appius, received him with outward marks of joy, and treated him with distinction. Nothing was undertaken without his advice; but this seeming deference concealed a real design of making away with him. An occasion soon offered. Sicinius, with his accustomed frankness, having told the decemvirs, that he thought they should remove their camp into the enemy's territory, for many good reasons which he laid before them, they commissioned him to go and view the situation of the country, and mark out the ground for a new encampment; and they appointed him 100 chosen men, light-armed, to be his guard; but this guard consisted only of the decemvirs' ruffians, who had secret orders to dispatch him. Sicinius, having led them into the narrow passages of some mountains, they

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Livy,
b. 3.
c. 43

D. Hal.
b. 11.
p. 708.

P. 709.

took that opportunity to fall upon him. He no sooner perceived their base design, but setting his back against a rock, that he might not be attacked behind, he received them with a courage that struck terror into the boldest of them. Calling up all his ancient valour, he slew several of the assailants, and wounded others: and now not one of them durst venture near him: they stood at a distance, and threw their darts at him. But as even this did not effect their purpose, the villains climbed up to the top of the rock, and thence knocked him on the head with stones. They then went back to the camp, and gave out that they had fallen into an ambush, in which they had lost their captain, and part of their comrades. At first they were believed; but when a band of soldiers, who, with the decemvirs' permission, went to fetch the body of Sicinius, in order to its burial, came to the place of action, they perceived that the slain were all Romans; that they were all fallen with their faces towards him, and that none of them were stripped either of their arms or clothes. All these circumstances laid together, made them suspect that the brave veteran had been murdered by his guard. This suspicion prevailing throughout the camp, raised loud complaints, and a general discontent. The whole army with great fury demanded that the assassins should be brought to justice. But the decemvirs helped them to make their escape; and, because the soldiers seemed resolved to have the body of Sicinius immediately conveyed to Rome, they, with all expedition, gave it an honourable funeral, at the public expense. These proceedings of the generals made it but too evident, that Sicinius had not been murdered without their privity; and the discontent, which so odious a treachery excited in this army, rose to such a height, that the greater part of the soldiers began to think in earnest of revolting from the decemviral government. A new attempt of Appius, which was still more hateful, and which filled

up the measure of his extravagant enormities, produced, in the city and in the other army, a yet greater detestation of the present tyranny.

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CHAP. XXIX.

SECT. I. Appius (at Rome) falls in love with Virginia, the daughter of a plebeian Virginio. named Virginus, a centurion in the army employed against the Æqui. To get her into his power, having in vain tried to corrupt her nurse, he conceals a stratagem with M. Claudius, one of his clients. Claudius seizes the girl as a slave belonging to him, and leads her before the decemvir's tribunal, there to have his right legally confirmed to him. He pretends that Virginia was born of one of his slaves, and that Numitoria, the wife of Virginus, had (in concert with the mother of the girl) imposed her upon Virginus as her own child, she herself being barren. **II.** Numitorius, the uncle of Virginia, demands that the decision of the affair may be suspended, and his niece left under his care till her father can be fetched from the camp. The decemvir finds reasons for refusing this request: but Icilius, to whom Virginia had been promised in marriage, coming into court just in this instant, spirits up the people to such a pitch of fury, that Appius thinks fit to comply. Virginus is sent for, and arrives at Rome, notwithstanding the secret measures taken by Appius to intercept him on the road. **III.** The cause is heard, and the imposture of Claudius made manifest to all present. Appius, nevertheless, making himself a witness in the affair, and pretending conscience, decrees Virginia to his client. The father hereupon, to hinder his daughter from being dishonoured, stabs her, and then hastens back to the army, leaving the city in a great commotion, which Valerius and Horatius take care to augment. **IV.** The soldiers, upon bearing the tragical story from Virginus, revolt from their generals, return to Rome, and encamp on Mount Aventine. **V.** The senate being conveyed by the decemvir Oppius, dispatch three of their body to them, to question them upon their desertion. The soldiers unanimously cry out to have Valerius and Horatius sent to them, and they give no other answer. This army is soon after joined by all the soldiers of the other, who were equally incensed against the decemvirs, by the complaints of Icilius. The senate is for sending Valerius and Horatius to the mutineers; but those two senators refuse to go unless the decemvirs depose themselves. The latter reject this condition, till they hear that the armies are marched to Mons Sacer; they then promise to lay down their authority. **VI.** Valerius and Horatius repair to the Mons Sacer, and prevail with the army, upon a promise of the ancient government's being restored, to return to Rome; but the soldiers, before they separate, choose their tribunes; and soon after Valerius and Horatius are named consuls. **VII.** These popular magistrates get several new laws passed in favour of the people. **VIII.** Virginus, being now one of the tribunes, impeaches Appius for his conduct as a judge in relation to Virginia; and insists upon his making his defence immediately, or being imprisoned till the day of trial. Appius appeals to the people, but in vain. He is carried to prison. His uncle, C. Claudius, solicits for his enlargement without success. Appius dies in prison. His colleague, Oppius, being tried and condemned, dies also in prison the day of his commitment. The other decemvirs all banish themselves. Claudius, the client and minister of Appius, is condemned to death, yet suffers only banishment. The tribune, Dailius, puts a stop to all farther prosecutions, relating to the tyranny of the decemvirs.

§.1. It has been already said, that Appius, by agreement with his colleagues, stayed at Rome with a body of troops to keep the inhabitants in obedience to the decemvirs. As he was one day going to his tribunal, he accidentally cast his eyes on a young virgin of uncom-

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mon beauty, who was reading her book in one of the public schools. (In these times it was customary at Rome for young persons of that sex, as well as of the other, to pursue their proper studies in schools that were purposely erected for them in the forum.) Her charms, and the blooming graces of youth, immediately drew his attention. He could not help beholding her with a secret pleasure: his curiosity increased the next day; he thought her more lovely than before; and, as he was obliged to pass often by the school, he insensibly conceived a most violent passion for her. Upon inquiry after her family and condition, he learned that she was by birth a plebeian; her name Virginia; that she had lost her mother, Numitoria; that her father, Virginius, then served in the post of centurion in the army employed against the Æqui, and that he had promised his daughter to Icilius, who had been tribune of the people, and who was to marry her at the end of the campaign.

This account, so unfavourable to Appius's passion, served only to increase it. He would gladly have married Virginia, but he had a wife already; and, had this not been the case, the last laws of the twelve tables, of which he was the chief framer, prohibited all intermarriages of patricians with plebeians; so that he had no room to hope for the accomplishment of his wishes, but by the scandalous means of debauching the young maid.

The innocence and modesty of Virginia restrained him from opening his dishonest purpose directly to herself. He thought it more proper to begin the work by means of one of those women of intrigue, who make a private market of the beauty and charms of youth. He loaded her with favours; and, having let her into his desires, ordered her not to name him, but to say only, that Virginia's lover was a man in power, who could do much good or much hurt to others, according to his pleasure. This woman applied herself to Virginia's nurse, made her rich presents, and richer promises; and, having thus

P. 710.
Livy,
b. 3.
c. 44.

paved the way, came at length to the subject of her errand. But the nurse, equally faithful and prudent, not only rejected the proposal with horror, but kept now a more watchful eye upon her charge than ever. Appius learned with grief, that it was impossible either to deceive or to corrupt her.

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However, his passion growing still more furious by the difficulties it met with, he had recourse to another stratagem, more bold and impudent, and which, if it succeeded, would put Virginia wholly in his power. For the execution of this new scheme, he employed a client of his, named M. Claudius, a man without shame or fear, and one of those who introduce themselves to the ear of the great, by the sole merit of a base complaisance for their pleasures. This minister of the decemvir's passion, taking with him a band of fellows like himself, entered the public school where Virginia was, and, seizing her by the arm, would force her away to his own house, under pretence that she was the daughter of one of his slaves. He was already dragging her all in tears through the forum, when the people, hearing a great cry, flocked about him, and being moved with so piteous a sight, obliged him to let go his hold. The villain, perceiving that he could not execute his first design, pretended that he had not meant to use any violence, but to proceed in due course of law; and he cited her to appear immediately before the decemvir. Virginia, by the new laws, was obliged to follow the claimant to the tribunal of justice, where Appius was that day designedly alone upon the bench. The multitude all attended her; some out of curiosity to see the issue of so strange a business, and others out of affection to Icilius, who, during his tribunate, had made himself very agreeable to the people. Claudius was going instantly to open his claim; but the people, full of indignation, cried out, that he ought to wait till Virginia's relations, who had been sent for, were come. To this the judge consented;

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and Numitorius, the uncle of the young woman, arrived soon after with a great number of his kinsmen and friends.

Silence being then made, Claudius set forth, that Virginia was born in his house; that she was privately stolen away by a slave, her mother, who, to conceal her theft, had pretended to be delivered of a dead child: but that it had since been discovered, that she had sold this child to Virginus's wife, who was barren, and who, being uneasy at having no child, had made Virginia pass for her daughter: that he would soon produce undeniable testimonies of what he advanced; that in the meanwhile it was but just that a slave should go with her master; and that he would give good security for her appearance again, if Virginus, at his return, still pretended to be her real father.

D. Hal.
b. 11,
p. 741,

§. 11. NUMITORIUS presently saw that there was somebody of much greater weight and power than Claudius at the bottom of this contrivance; but he prudently concealed his suspicions, and represented to the decemvir, with a great deal of calmness, that his niece's father was absent in the service of his country; that it was highly unjust to dispute a citizen's right to his very children, when he was not present to assert it; that Virginus, upon notice, would not fail to be at Rome in two days, till whose return it was but fitting that her uncle should have the care of her. Numitorius offered to give any security whatsoever for producing her again; but he said it was not reasonable to trust the daughter of Virginus in the house of such a one as Claudius, where her honour would be in danger even more than her liberty. He added, that what he demanded was conformable to the laws, which ordained that, during a lawsuit, and before a definitive sentence, the plaintiff should not disturb the defendant in his possession.

Livy,
b. 3.
c. 44.

D. Hal.
b. 11,
p. 745.

The whole assembly shewed by their applauses, that they thought this request to be perfectly just. Appian

having caused silence to be proclaimed, and affecting the impartiality becoming a judge, declared that he should always be the protector of so reasonable a law, and which he himself had inserted in the twelve tables: but that in the present dispute there were some particular circumstances which altered the case; that here were two persons claiming, one as a father, the other as a master; that if he who pretended to be the father of Virginia were present, he indeed ought to be allowed the possession of her till the decision of the contest, but that, he being absent, the person who claimed her as his slave ought to have that possession, giving good security, however, to produce her again at the return of him who was called her father. This said, he ordered Virginia to be delivered up to Claudius.

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All the people present exclaimed against so iniquitous a decree; and nothing was to be heard but cries of indignation, shrieks and lamentations. The women with tears in their eyes gathered round Virginia, and placed her in the midst of them, as if they meant to defend her. In this instant Icilius, to whom she had been promised in marriage, came running into the forum with fury in his eyes, and loudly demanding who he was that durst lay violent hands upon a free woman, and what were his pretensions? Appius, who perceived him breaking through the crowd, ordered a lictor to oppose his passage, and to tell him that the affair was already judged. But nothing could stop the enraged lover; he forced his way up to the tribunal, and, taking Virginia in his arms, “No, Appius (he cried), nothing but death shall separate me from her. If thou wouldst have thy vile artifices concealed, thou must murder me. Assemble all thy lictors, and, if thou wilt, those of thy colleagues too; bid them prepare their rods and axes; but to my last breath I will defend her honour. Have you deprived the Romans of the protection of their tribunes, that you may subject their wives and daughters to your lewdness? Go

Livy,
b. 3.
c. 45.

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 on to exercise your rage in scourging and slaughtering the Roman citizens, but let modesty and chastity escape your tyranny. Virginia is mine, she is promised to me, and I expect to marry a virgin pure and unspotted. I will receive her from no man's hands but her father's. If in his absence any attempt be made to do her violence, I will implore the aid of the Roman people for my wife; Virginius will demand the assistance of his fellow-soldiers for his daughter; and both gods and men will be on our side."

Livy,
b. 3.
c. 46.
 The people, equally moved with his misfortune and his courage, fell upon the lictors, who were forcing away Virginia, dispersed them, and obliged Claudius himself to seek refuge at Appius's feet. The assembly was full of noise and confusion. The tumult increased by the arrival of those who flocked to the forum from all parts of the city. Appius, quite stunned at seeing to what a degree the people were incensed against him, was for some time in doubt what measures to take. At length, having caused silence to be made, "It is well known (said he) Icilius only wants an opportunity of restoring the tribuneship by means of a sedition. But that he may have no pretence of complaint, I am willing to wait for Virginius's return till to-morrow. Let his friends take care to give him notice. It is not above four hours' journey from hence to the camp. I will prevail upon Claudius to yield up somewhat of his right for the sake of the public peace, and to let the girl remain in liberty till the return of the man she imagines to be her father. But in case Virginius does not appear to-morrow, I would have Icilius know, that I shall not want any assistance from my colleagues to put my decree in execution, or to keep in awe such seditious spirits as he."

Claudius, feigning to admit unwillingly of this delay, requested that at least Icilius might give security for producing Virginia on the morrow. The people all around immediately held up their hands, and every man

offered eagerly to be his security. Icilius touched with the affection of his fellow-citizens, broke into tears, while he returned them thanks. "To-morrow (said he), if there be occasion, we will make use of your assistance. *To-day, I hope they will be satisfied with my security, and that of all Virginia's relations."

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Appius, though intoxicated with his passion, durst not refuse such bail: but he privately dispatched a messenger to his colleagues who commanded the army, entreating them to arrest Virginus on some pretence or other, and to keep him in close prison. He thought that the father not appearing at the time appointed, he might then with a good colour deliver up the daughter into Claudius's hands: but his courier arrived at the camp too late. Numitorius's son and a brother of Icilius had been beforehand with him; and Virginus, upon the first notice of his daughter's danger, pretending the sudden death of some relation, had obtained leave to return to Rome, and was already gone. And he had the good fortune to escape two parties of horse; one, which, upon the receipt of Appius's letter, the decemvirs sent after him to stop him; and the other, which Appius, with the same design, had placed in the road that led from the city to the camp.

D. Hal.
b. 11.
p. 714.
Livy,
b. 3.
c. 48.

He appeared the next morning in the forum pierced to the heart with grief, and leading by the hand his daughter, all drowned in tears: she was accompanied by her kinswomen, and by a great number of other ladies. Virginus, as he passed along, addressed himself to his fellow-citizens with an air of dignity, that seemed to demand their assistance, rather than to implore it. "To what purpose (said he) do we every day expose our lives in war to defend our wives and children from a foreign enemy, if our tyrants, at Rome, exercise upon them all the violence, that can be suffered in a city taken by assault?" Icilius, quite furious with love and resentment, inveighed loudly against Appius, without any re-

c. 47.

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D. Hal.
b. 11.
p. 715,
716.

serve: but the silent tears of the whole train of women affected the multitude more than any words or exclamations.

§. III. APPIUS heard with extreme surprise, that Virginius was in the forum. Full of rage and vexation, he repaired instantly thither, with a numerous guard of his dependants and creatures.[†] Having ascended his tribunal, he bid Claudius open his demand, and proceed in his action. Claudius then repeated what he had said the day before, and at the same time produced the slave, whom he had suborned, and who out of fear of her master, declared, that she had sold Virginia to Virginius's wife. The claimant added, that he had many other credible witnesses to produce, if there were occasion; and that he humbly hoped, his being the judge's client would not be thought a good reason for refusing him that justice, which every other man would obtain in the like case; and he concluded, with entreating the decemvir not to suffer himself to be influenced by his compassion, to the prejudice of truth and right.

The friends and relations of Virginia, to destroy this imposture, represented, that her mother Numitoria could have had no temptation to practise such a fraud as was pretended; that she was married very young, and to a man almost as young as herself; that she bore a child

[†] Mr. Vertot (b. 5. p. 71.) quotes D. Hal. as saying (b. 11.), that Appius, to prevent all resistance, ordered down the troops [two legions] that were in the capitol, and that they took possession of the forum. And soon after quotes Livy, as telling us, that the multitude were attacked by Appius's soldiers. There is nothing either in Dion. Hal. or Livy, from whence it can be gathered, that Appius employed any soldiers on this occasion. It is true, Dion. Hal. represents him saying to the people, that the troops in the capitol were not placed there only for defence against a foreign enemy, but also to prevent riots in the city. And Livy (c. 48.) makes him insinuate to the people, in order to terrify them, that he has brought down some armed men from the capitol. But we do not find in either of those two historians, that these armed men ever appeared. D. Hal. says (p. 714.), that Appius came to his tribunal, *μετὰ πολλοῦ στρίφους*, but it was *ἰταλῶν καὶ πελάτων* (a great company of his friends and clients), as appears by the context. And Livy (c. 49.) having mentioned the resistance which Appius's lictors met with, when they would have seized Icilius, adds, "*Quum locus adeundi apparitoribus non daretur, ipse cum agmine patriciorum juvenum per turbam vadens in vincula duci jubit.*" Appius, the most despotic magistrate that had appeared in Rome since Tarquin, did not venture to exercise so avowed a tyranny, as to employ his armed soldiers to attack unarmed citizens. This is evident, not only from what the historians say of those who aided and abetted him, but from his being worsted in the conflict with his adversaries.

in a very few years after her marriage; that if she had proved barren, and had been minded to introduce a stranger into her family, she would never have taken the child of a slave, and certainly not a girl, when she might as easily have had a boy. That, as to those many credible witnesses which Claudius talked of producing, it was highly improbable that a transaction which required so much secrecy should be imparted to many persons, when one was sufficient for the purpose. That, granting Numitoria to have been guilty of so strange a folly, it was yet stranger, that an affair intrusted with so many confidants should remain so long a secret. That it was impossible to account why Claudius himself should be so profoundly silent in this affair for fifteen years, and should never declare his pretensions till the young woman was become marriageable, and appeared in that wonderful degree of beauty.

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At these words all eyes were turned upon Virginia; the modesty of her countenance, her tears, her youth, her innocence, and above all, her amazing beauty, which, clouded as it was with excessive grief, had yet a surpassing lustre, filled every breast with the most tender compassion. Nor could they help reflecting, with extreme concern and terror, that, if the laws of liberty were thus violated in the person of this young maid, there could be no longer any security for wives or daughters against the like dishonour: for every body was already convinced, that the allegations of Claudius and his witness were mere imposture, and the wicked contrivance of some dignified villain, who thought himself at liberty to do whatever he pleased.

But to those arguments, shewing the improbability of what Claudius had alleged, Virginus added, that he had witnesses of unquestionable credit ready (whom he named, and whom he desired might be strictly examined), who would testify, some, that they had seen Numitoria big with child; others, that they had been

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present when she was delivered of this daughter, and others, that they had seen her give suck to young Virginia, which she could not have done, had she been barren, as Claudius pretended.

Virginus was still going on with his plea, when Appius perceiving the impression that was made upon the assembly by those unanswerable reasons which had been offered, and being determined at any rate to accomplish his enterprise, interrupted him, and commanded silence, signifying, that he himself had something to say. All the people, being curious and anxious to know what it was, were presently still, and listened to him with attention.

The decemvir having first cast his eyes on all sides to observe his strength, and how his friends were posted, "Virginus," said he, "I must acquaint you, and all who are here present, that this is not the first time I have heard of this affair. I was told of it long before my election to the decemvirate. Claudius's father, at his death, desired me to be guardian to his son (his ancestors, you know, were always clients of our family). Intimations were soon after given me, that I ought to claim this young slave in right of my ward. Hereupon I examined into the matter, and found the fact to be exactly as Claudius has represented it. However, I did not think it became me to meddle in an affair of this nature, but chose rather to leave it for him to manage when he should come of age, when he might either take back the girl, or accept of a sum of money for her from the parties who had bred her up. Our civil feuds, and the hurry of public business, hindered me afterward from giving any attention to the concerns of Claudius. He has applied himself of late, I suppose, to examine into the state of his affairs, and he finds this girl to belong to him, as part of his inheritance. I can see nothing unjust or unreasonable in the demand he makes; to have the daughter of his slave restored to him.

It would have been better indeed, if the thing could some way or other have been compromised. But since a suit has been commenced upon it, I am obliged in conscience to give testimony in his favour; and upon what I myself know, I do, as judge, pronounce him lawful master of this girl.”

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Virginus, provoked to the highest pitch at so unjust and cruel a sentence, no longer kept any measures with the decemvir. Holding up his hand at him, “Appius, I promised my daughter to Icilius, and not to thee. I educated her for honourable marriage, and not to be a prey to an infamous ravisher. What! is the lawless lust of savage beasts to prevail among us? How the citizens here will bear with these things, I know not; but I trust that those who are in arms, will not endure them.”

Livy,
b. 3.
c. 47.

The people at these words set up a loud cry full of indignation, and they seemed at first, as if they would oppose the execution of Appius’s decree. But the decemvir with a threatening voice told them, that he was not unacquainted with the seditious meetings which had been held the night before, nor with the plots there laid to cause an insurrection, but that he wanted neither power nor resolution to chastise those who should dare to disturb the public peace; that the soldiers in the capitol had not been placed there only for defence against the foreign enemy: and he advised them therefore to be careful of their behaviour, and to retire quietly to their own houses. “And you,” said he (speaking to one of his lictors), “go, put aside the crowd, and make room for a master to lay hold of his slave.”

D. Hal.
b. 11.
p. 717.

The multitude, terrified at these menaces, and the wrathful manner in which they were uttered, instantly gave back, and left the unhappy Virginia standing by herself, a helpless prey to injustice. Virginus, who then saw that there was no other remedy, turning towards the decemvir, in humble manner thus addressed him: “Pardon, Appius, the unguarded words which

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Livy,
b. 3.
c. 48.

escaped from me in the anguish of a fatherly grief; and allow me, if you please, before Claudius takes away the girl, privately to ask, in her presence, some questions of her nurse, that I may be set right in this matter; and in case Virginia be not really my daughter, may return to the camp in less affliction."

Appius readily granted him this request, upon condition, however, that it should be in Claudius's sight, and without stirring out of the forum. Virginius, pierced to the heart with the sharpest sorrow, took his daughter, half dead, in his arms; he wiped away the tears in which her face was all bathed, embraced her, and drawing her near to some shops which were on the side of the forum, chance directed him to a butcher's knife: having instantly seized it, "My dear daughter, this is the only way to save thy honour and thy liberty:" as he said these words he plunged the knife into her heart: then drawing it out again all smoking with her blood, he turned towards the tribunal, and with a furious voice cried out, "By this blood, Appius, I devote thy head to the infernal gods."

The decemvir, from his tribunal, called out, in the greatest fury, to seize him; but he, with the knife in his hand, made his way through those who would have sopped him; and, being favoured by the multitude, got out of the city, mounted his horse, and took the road to the camp. In the meanwhile, Numitorius and Icilius raised a great commotion in Rome; they stayed by the dead body of Virginia, shewed it to the eyes of the people, and besought them not to let her death go unrevenge. Crowds flocked to the forum from all parts; they uttered bitter exclamations against the decemvirs, and demanded the re-establishment of the ancient government, and of the tribunes. As for Appius, he was now returned to his own house. He had waded through an ocean of wickedness, to reach a prize which escaped him for ever, in the very moment he thought to take

possession of it. He had been a spectator of the murder of her, whom he loved to excess, a murder of which he himself was the cause; and by this last stroke of tyranny had made sure of the extreme hatred and indignation of the Roman people. Stung with these reflections, he seemed to have quite lost his reason. Instead of endeavouring to pacify the multitude, he sent his lictors to seize Icilius, and carry away the dead body from the forum. The people opposed the execution of his orders, and, being now urged to fury, fell upon his lictors, broke their fasces, and drove them out of the forum. Appius hereupon getting together, as fast as he could, a great number of his friends and clients, came in person to support his authority. But Valerius and Horatius, those sworn enemies of the decemvirs, having had notice of his motion, had put themselves at the head of a band of brave young men, marched them into the forum, and placed them round the body of Virginia. At first the two parties discharged their fury against each other in mutual reproaches and invectives: but they soon after came to blows. Appius was worsted and repulsed. In this perplexity, not knowing what else to do, he got up into the temple of Vulcan, and there took upon him to act the part of a tribune of the people, demanding that Valerius and Horatius should be thrown headlong from the Tarpeian rock, as disturbers of the public peace: but the multitude hissed at so senseless a discourse; and in the meantime Valerius, having caused the body of Virginia to be carried to the top of a flight of steps, where the people might see it, was from the same eminence inveighing against Appius. Most of the decemvir's auditors soon left him to go to Valerius, who thereupon assuming the authority of a magistrate, commanded the lictors to pay no more attendance on a private person. And now Appius, terrified at the desertion of many of his creatures, whom he saw changing sides, believed his life to be in danger: hiding therefore his

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* D. Hal.
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p. 719.

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face with his robe he fled, and took refuge in a neighbouring house. At this juncture, Oppius, the plebeian decemvir, rushed from another side into the forum to succour his colleague. But he came too late. Force had got the better of authority. He judged therefore, that the wisest method in the present exigence was to assemble the senate, and this in a great measure quieted the people; for they hoped that the decemvirate would speedily be abolished. But those of the fathers who happened to be in Rome, were most of them friends to the present government; they only ordered the people to behave themselves peaceably, and commissioned some young members of their body to go to the camp near the Algidus, to prevent the sedition which Virginius might excite there. In the meantime Valerius and Horatius caused the body of Virginia to be laid in an open litter, and to be carried in great pomp through all the high streets, in order to excite the compassion of the citizens, and increase their detestation of the decemvirs. Men and women, old and young, married and unmarried, all ran out of their houses to see this funeral procession, and they all bewailed her fatal beauty, and her untimely death. The women, with tears in their eyes, threw, some of them flowers upon the litter, others the ribbons from their heads, to adorn it; others cast their girdles, their fillets, wreaths of their hair upon it. The men also contributed, every one, some little present.

The whole city would have revolted immediately from the government, had not the decemvirs been actually commanding armies, and had not Valerius and Horatius (who managed this business, and who hoped to compass their point without effusion of blood) thought it more advisable to wait and see what Virginius's return would produce in the army near the Algidus.

§. IV. He entered the camp, attended by near 400 citizens, and still holding in his hand the bloody knife, with which he had killed his daughter. The soldiers at

this strange sight flocked to him from all quarters. Virginius got upon a small eminence, from whence he might the more easily be heard : his face was drowned in tears, and grief for a while tied his tongue. At length breaking his mournful silence, he related to them the whole tragical story, and then raising his hands to heaven, “ I call you to witness, immortal gods, that Appius alone is guilty of the bloody deed I was forced to commit. And you, my fellow-soldiers, I conjure you not to drive me out of your company as a parricide and the murderer of my daughter. I would willingly have sacrificed my own life to have preserved her’s, if she could have lived with her honour and her liberty. But finding that the tyrant was determined to make her a slave, that he might have an opportunity to dishonour her, pity alone made me cruel : I rather chose to lose my daughter than keep her with shame ; but I would not have outlived her one moment, had I not hoped to revenge her death by your assistance.”

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The centurions and soldiers, filled with compassion for his misfortune, and with indignation against the decemvir, all assured him, that they would not fail him in any thing he should undertake against Appius. Nay, they resolved to extend their resentment to all the decemvirs, and to shake off the yoke of a dominion that was now grown into an avowed tyranny. The decemvirs who commanded the army being informed of Virginius’s return, and of the disposition of the soldiers, sent for him with design to secure him. No obedience was paid to their orders. The troops were all eager to return to Rome ; nothing but their military oath withheld them. They thought they could not leave their generals without offending the gods, and dishonouring themselves. Virginius, who burned with impatience to revenge himself of Appius, quickly removed their scruple, by assuring them that a Roman could never be under any obligation to obey usurpers and tyrants ; that the

D. Hal.
b. 11.
p. 723.

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Livy,
b. 3.
c. 50.

decemvirs were notoriously such, and that therefore to submit to them would not be obedience and piety, but madness and superstition. There needed no more to satisfy the conscience of the soldiers. They immediately flew in a kind of fury to their arms, snatched up their ensigns, and under the conduct of their respective centurions took the way to Rome. The decemvirs, startled at so general a desertion, ran to stop them : but wherever they turned themselves, they found only exasperated spirits, who breathed nothing but vengeance. If the decemvirs spoke to them in gentle terms, they received no answer. If they pretended to threaten or command, the soldiers sternly answered, "We are men, we have swords in our hands."

D. Hal
b. 11.
p. 724.

The army entered Rome about evening, without making the least disturbance, and without so much as a soldier's stirring out of his rank. As they passed along, they assured their friends and relations that they were returned only to destroy tyranny. All the troops marched quietly through the city to Mount Aventine, fully resolved not to separate till they had obtained the deposal of the decemvirs, and the restoration of the tribuneship.

§. v. APPIUS, terrified with remorse of conscience, and with the revolt of the army, durst not appear in public. But Oppius, his colleague, had recourse in this distress to the authority of the senate, which he convened with all expedition.

Livy,
b. 3.
c. 50,

The senators thought it by no means advisable to proceed in a way of severity, because they themselves had given occasion to the sedition. The result of their debate was to commission Sp. Tarpeius, C. Julius, and P. Sulpitius, all three consulars, to go to Mount Aventine and demand of the soldiers, By whose orders they had left their camp ? what their intent was in possessing themselves of Mount Aventine ? and why, quitting the war begun against the enemy, they had invaded their own country ?

The soldiers did not want an answer, but they wanted a speaker, for as yet they had not chosen themselves a head; and no one man among them would venture to act as chief in this revolt. They remained for some time in silence, but at length they all cried out with one voice, "Let Valerius and Horatius be sent to us, we will give an answer to the senate by them."

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As soon as the three commissioners were gone, Virginius took notice to the soldiers how much they had been puzzled, even in an affair of no great importance, for want of a head; that the answer they had fallen upon, though pertinent enough, had proceeded rather from casual agreement, than previous and public counsel; and he advised them, therefore, to choose ten persons to be over them, and to manage for them. Instantly they named him the first to that honour, but he excused himself, desiring them to reserve their good opinion of him to happier times. "No honours (said he) can give me pleasure while my daughter is unrevenge, nor is it advisable for you in such a season of trouble as this is, to choose those men to be your directors and agents, who are most obnoxious to the parties you are to treat with. If you think me capable of being useful to you, I shall not be less so in a private capacity." The army hereupon appointed ten other centurions to be their governors, with the title of Military Tribunes.

The example of this army was followed by that employed in the war against the Æqui; for Numitorius and Icilius had gone thither, and had spirited up the soldiers to desert their generals. With colours flying they marched straight towards Rome, and having advice, by the way, of the steps taken by the troops on Mount Aventine, they, in like manner, at the instigation of Icilius (a man skilful in popular affairs) chose themselves ten military tribunes, to govern and conduct them. (What moved Icilius to give this counsel;

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an apprehension, that, without such election, the ten tribunes of the other camp might be thought to have a kind of right to be appointed the ten tribunes of the commons in the next comitia that should be held for naming those magistrates, and he himself had a view to be one of the college.) These troops entered the city, and marched through it in the same good order, and with the same peaceable behaviour, as had been observed by the other, whom they presently after joined. And then the united armies commissioned their twenty military tribunes to elect two out of their number to be supreme over all. The choice fell upon M. Oppius and Sextus Manilius.

The senate in the meanwhile, anxious for the commonwealth, sat every day to consider of some effectual remedy for the present evil. (Such desertions were of dangerous example ; and the frontiers were left exposed to the invasions of the enemy.) But the time which should have been employed in sage deliberation, was wasted in strife and wrangling. The decemvirs were incessantly reproached with the murder of Sicinius, the lust of Appius, and the miscarriages in the war. At length it was concluded to send Valerius and Horatius to Mount Aventine ; but then these two senators, finding that their mediation was become necessary, protested that they would not move a step so long as the decemvirs, whom they called usurpers, remained masters of the government.

The decemvirs, on the other hand, declared, that they would not resign their authority till they had proposed to the people the two last tables of laws, and had got them passed ; and that this was the only term fixed for the expiration of their magistracy. Nay, L. Cornelius, yet a warm partisan of the present governors, advised against entering into any negotiation with the two armies, till they were returned to their former respective camps ; upon which condition he was for offer-

D. Hal.
b. 11.
p. 725.

ing the soldiers a general pardon, with an exception however to the authors of the desertion.

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The soldiers on Mount Aventine receiving accounts from M. Duilius (who had been formerly a tribune) of what passed in the senate, came to a resolution to remove their camp to the Mons Sacer, a place which would put the senators in mind of the steady resolution of the commons, and make them sensible of the absolute necessity of restoring the tribuneship, in order to a reunion. Thither they marched, fortified themselves there, and observed the same good discipline for which their ancestors had been so much admired. In this decampment they were followed by such numbers of the citizens, with their wives and children, that Rome was in a manner deserted: "What have we to do (said they) in a city where neither chastity nor liberty is safe?" The conscript fathers, astonished as they passed to the senate-house to see the streets so thin of people, and that, except a few old men, there was scarce any body in the forum, came now for the most part into the sentiments of Horatius and Valerius. They declared that it was madness in the decemvirs to think of retaining their authority, when they had no subjects to govern. "What! (said they) will you administer justice to empty houses and bare walls? Are you not ashamed to see that all the citizens in the forum scarce equal the number of your lictors? In short, you must resolve either to have no commons, or to allow them tribunes. They extorted from our forefathers that plebeian magistracy, of which they had not then experienced the benefit; and do you imagine, that when they have tasted the sweets of it, they will ever consent to part with it, and especially since your government has not been so moderate and gentle, as to make them feel no want of protection and succour?"

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virate.
Livy,
b. 3.
c. 52.

The decemvirs, finding that there was no remedy promised at length to be wholly governed by the senate;

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they only desired, that they might not be sacrificed to the hatred of their enemies, and reminded the fathers, that it concerned them nearly not to accustom the people to shed the blood of the patricians.

§. VI. VALERIUS and Horatius, having brought this affair to the point they had wished, repaired to the camp, and were received by the soldiers as their protectors. The army, by the mouth of Icilius, demanded the restoration of their tribunes, and of their privilege of appeal, and an amnesty for all who had left the camp without permission from their generals. But first of all they required that the decemvirs should be delivered into their hands; and they loudly threatened to burn them all alive.

The two mediators were not more favourable to those magistrates than the people themselves; but they prosecuted the design of destroying with more art. At the same time that, in general terms, they exhorted the multitude not to be governed by cruel thoughts (bidding them remember that they had more occasion for a shield than a sword), they insinuated to them, that when they were in possession again of their rights, and when their tribunes, their laws and assemblies, were restored to them, they would then have it in their power to do justice to themselves.

C. 54.

The multitude, fully persuaded that no tribunes whatsoever could have more zeal for the interest of the commons than Valerius and Horatius, trusted every thing to their management; who, returning without delay to the senate, reported the demands of the army, but said nothing of its bloody designs against the decemvirs. These magistrates, hearing no mention of their punishment, readily yielded to all that was asked; only Appius, cruel by nature, and judging of other men's hatred to him by his to them, said aloud, "I am not ignorant of the fate I am to expect. The attack is only deferred till my enemies have got arms in their hands. Nothing

but my blood will satisfy their malice. Be it so. I am ready, nevertheless, to resign the decemvirate, and I care not how soon I do it." Hereupon the senate passed a decree, That the decemvirs should instantly depose themselves; that the pontifex maximus should hold the comitia for electing tribunes, and that no notice should be hereafter taken of the desertion of the soldiers from their generals," or the retreat of the citizens to the Mons Sacer.—Submitting to this decree, the decemvirs immediately repaired to the forum, and there abdicated their magistracy, to the great joy of the city. The news of their abdication was presently carried by Valerius and Horatius to the camp. "Return soldiers, to your country, your household gods, your wives and children; and may this return be happy to you and to the commonwealth!" Instantly the army snatched up their ensigns, and exulting with joy returned to Rome. But before they separated, they marched a second time, accompanied by the rest of the commons, to Mount Aventine, where they made an election of their tribunes. A. Virginus, the father of the hapless Virginia, Numitorius her uncle, and Icilius, to whom she had been betrothed, were the first chosen. Then C. Sicinius, M. Duilius, M. Titinius, M. Pomponius, P. Villius, and C. Oppius. An interrex was afterward created, who held an assembly by centuries, and, according to the votes of the people, named L. Valerius and M. Horatius to the consulship.

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§. VII. THE administration of these consuls was wholly popular, and the plebeians obtained from them what they could hardly have hoped from their very tribunes themselves. In the first place: whereas it was a disputable point of law, whether the plebiscita [the decrees of the commons] would bind the senators; the consuls now passed a law in comitia centuriata; im-

" Livy makes this decree and another to be the acts of the commons, presently after they had chosen their tribunes.

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porting, that what the commons should enact, in comitia tributa, should bind the whole Roman people. By which law (says Livy) the bills of the tribunes were armed with a very dangerous weapon.*

* *Omnium primum, quum veluti in controverso jure esset, tenerentur PATRES plebiscitis, legem CENTURIATIS COMITIIS tulere, ut quod TRIBUTUM PLEBES jussisset, POPULUM teneret; qua lege tribunitiis rogationibus telum acerrimum datum est.* Livy, l. 3. c. 55.

Dionysius (l. 11. p. 726.) writes, "That this law put an end to the disputes which had subsisted between the patricians and plebeians, concerning the *plebiscita*, made in the *COMITIA TRIBUTA*, which the patricians would not submit to, nor allow to be binding on any but plebeians." The historian goes on, "It has been already said, that in the *comitia tributa*, the plebeians and the poor had the better of the patricians; but that in the *comitia centuriata* the patricians, though much inferior in number to the plebeians, were superior to them in strength."

[This last assertion, how often soever he may have repeated it, I apprehend to be a great mistake. He seems here to make the terms patrician and plebeian equivalent to rich and poor. The richer citizens had doubtless a superiority of strength in the *comitia* by centuries; but the patricians had not. The majority of the voters in the majority of the centuries were unquestionably plebeians, and the patricians were overpowered, as well as outnumbered by the plebeians in the *comitia centuriata*. Had it not been so, had the patricians, in the *centuriata comitia*, been superior in strength to the plebeians, how consummately ridiculous would be Livy's admiration of the virtue of the Roman people, for their choosing to the military tribuneship PATRICIANS only (Y. of R. 309.), though the plebeians were qualified by law to be chosen to that magistracy! Livy, b. 4. c. 6.]

As to the memorable LAW (called *Lex Horatia*) now enacted by the *comitia centuriata*, Dionysius would have better satisfied the curiosity of his readers, if he had given them some instances of *PLEBISCITA* made in *COMITIA* by TRIBES, to which the PATRICIANS had refused to submit. In his seventh book, he mentions a *plebiscitum*, that made it penal to interrupt a tribune, when speaking to an assembly of the people. And he tells us, that this *plebiscitum* was followed by much altercation between the consuls and the tribunes. And that the senate and the commons mutually refused to ratify each other's decrees.

Vid.
supra,
p. 274,
275.

Μετὰ τοῦτο πολλοὶ καὶ περὶ πολλῶν ἐγένοντο τοῖς δημόχοις πρὸς τοὺς ὑπάτους ἀντιλογίαι, καὶ οὕτως ὁ δῆμος ὅλος ἡ βουλὴ ψήφισαιτο, κύρια ἡγεῖτο, οὕτως ἂν ὁ δῆμος γνώσι, τῇ βουλῇ φίλιν τι ἢ ἀντιπαράτετα μένοι διὰ καὶ δι' ὑποψίας ἔχοντες ἀλλήλους διεύλουν. D. Hal. l. 7. p. 432.

Deinde multa variisq; de rebus inter tribunos et Coss, altercationes sunt sequutæ, et neque ipsa plebs senatus-consulta rata habebat, neque senatus ipse ulla plebiscita approbat. Sed magna contentione utrique alteris adversabantur, et se invicem suspectos habebant.

But these things passed in the next year after the erection of the tribuneship, and before the introduction of *COMITIA TRIBUTA*, even according to the Greek historian's own account. Here then a question arises: In what *comitia* were those *plebiscita* made, which were anterior to the first assembly by tribes? Not in the *centuriata*: the tribunes never attempted to hold those assemblies. And as to the *curiata*, we are told, that these could not be held but by a patrician magistrate, nor without a previous decree of the senate, nor without sacrifices and auspices, the care and management of which were appropriated to the patricians. And we are likewise told, that the tribunes, when they held assemblies of the citizens for making laws, observed none of these ceremonies and formalities. Particularly, with regard to the senate's authorizing their proceedings, Appius Claudius (in the debate on the affair of Coriolanus) enumerating, to the fathers, the usurpations of the plebeians and their tribunes, mentions this among the rest, they propose laws without consulting you, and they pass them without your approbation, Νόμους τι ἀπροβουλεύτους εἰσφέρει, καὶ τοὺς ἐπιψηφίζει τῆς ὑμετέρας γνώμης δίχα. D. Hal. l. 7. p. 455. And this, as I before observed, was anterior to the introduction of *comitia tributa*. Shall we not therefore be obliged to say, that though the assemblies of the *curiæ* could not, by the original constitution of the state, be legally held, and were not held in the first years of the commonwealth, nor perhaps after the introduction of *comitia tributa*, without the

P. 340,
et seq.

The *lex Valeria*, touching appeals to the assembly of the people, was confirmed anew, and strengthened with

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conditions above specified; yet the tribunes, soon after the institution of that magistracy, did, without any previous *senatus-consultum*, convene the plebeians of the *curia*, and, in those assemblies, did, without auspices or any religious ceremonies, enact laws, which were called *plebiscita*?

By the treaty of reunion (on the Mons Sacer) the tribunes were authorized to hold *concilia* of the commons; and they seem to have turned these *concilia* into *comitia* by *curiæ*, as has been represented above, p. 274, 275. But it does not fully appear whether the senators and other patricians, who were excluded the *concilia* of the commons were suffered to be present, and vote in their *comitia*. Dionysius, in the passage just referred to, represents the tribunes as very expeditious in getting their *plebiscitum* passed, lest the consuls should come and oppose it. But by opposition here, he may possibly mean an opposition by violence, disturbing the assembly, and hindering it from concluding any thing; for this was no uncommon method with the patricians, when they disliked a bill proposed by the tribunes.

A SECOND difficulty is thrown in our way by what Dionysius says of the disputes concerning the *PLEBISCITA* made in the *COMITIA* by *TRIBES*, and of the patricians refusing to submit to them. I do not recall any one *plebiscitum*, by him mentioned, as made, before this time, in *comitia tributa*, except the judgments of the *TRIBES* in criminal and capital causes. And these judgments did all take place according to his own account. Coriolanus went into exile pursuant to the sentence against him; Menenius paid the fine to which he was condemned; Servilius was acquitted; the sureties for the appearance of Cæso Quinctius, upon his running away to avoid trial, paid the money they stood bound for to the public. So that when the historian says, that the patricians refused to submit to the *PLEBISCITA*, it is hard to guess what he means, unless it be, that (before the Horatian law) the patricians did not recognize the *COMITIA TRIBUTA*, held by the *TRIBUNES*, as a legal legislature, though they submitted, through necessity, to all their decrees. In the case of Cæso Quinctius (year of Rome 292), Dionysius (l. 10. p. 631.) differing from Livy, who makes Cæso humble himself so far as to solicit the favour of the multitude, represents him disowning the jurisdiction of the court, and refusing to plead; yet the historian introduces L. Quinctius Cincinnatus, the father of the accused, pleading earnestly for his son to the assembly.

It may be said, that this was the pure effect of necessity, and ought not to be construed into a recognizing the assembly for a lawful judicature. For in the year 298 (six years after the affair of Cæso), on occasion of the tribunes citing the consuls to appear in judgment before the tribes, the consuls openly affirm, That the tribunes have no power to summon thither even the most inconsiderable of the patricians, without a previous *senatus-consultum* for that purpose. D. H. l. 10. p. 661. And in the contest about Volero's bill (year of Rome 282), Appius Claudius (then consul) declared, that he would for ever oppose the enacting of any law, which had not first passed the examination and approbation of the senate. And the conclusion of that contest was:—'The senate made a decree, authorizing the people to give their suffrages upon the bill, and then the bill was by the people passed into a law. D. Hal. l. 9. p. 602.

It is said above (p. 348), that this law was enacted by the *comitia centuriata*. Several reasons may be given in support of that opinion. First, the validity of this law was never disputed; in the next place, it underwent the form of a previous *senatus-consultum*; and then, thirdly, it seems probable, at least (for the reasons given in the discourse at the end of chap. 13), that there were no *comitia tributa* before VOLERO'S law was enacted.

But let us suppose, on the authority of Dionysius, that *comitia tributa* were in use from the time of Coriolanus; and that all the capital trials, which the historian speaks of, as between that time and Volero's tribuneship, and all the capital trials from Volero's tribuneship to the consulship of Valerius and Horatius, were in assemblies of the tribes, and that even Volero's law was enacted in one of those assemblies; what will follow from these facts, compared with the passages just cited from the historian? Seemingly, at least, the consequence will be, that before the Horatian law, there were two sorts of *plebiscita*: some that were passed in *comitia*, held by the tribunes, without previously consulting the senate; others, that were preceded by an authorizing decree of the fathers, as in the case of Coriolanus, and in that of Volero's bill. That to the former sort the patricians would not submit, but did submit to the latter. And

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another law, forbidding the future creation of any magistrate, from whose judgments an appeal should not lie

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that this is the reason, why we read of no opposition given to the execution of those sentences, which are said by Dionysius to have been passed against certain consulars, and other great men, by the *comitia tributa*, held by the tribunes: we may suppose, that these assemblies had been authorized by *senatus-consulta* (though not mentioned by the historian) to try and judge those persons. And then it will seem that the Horatian law was enacted purely to give to the *plebiscita*, that should be made in *comitia tributa*, without previously consulting the senate, the same force as was allowed to those which had been made in the like assemblies, authorized by a decree of the fathers.

According to Livy, (l. 3. c. 54.) the commons had no sooner recovered their tribunes (upon the abdication of the decemvirs), but to law-making they went with all vehemence, even before they returned to their houses (for they were then encamped without the city). "Tribunatu inito L. Icilius extemplo PLEBEM ROGAVIT ET PLEBS SCRIVIT, ne cui fraudi esset secessio ab decemviris facta. Confestim de consulibus creandis cum provocazione M. Duilius rogationem pertulit. Ea omnia in pratis Flaminiis CONCILIO PLEBIS acta."

If I might here hazard a conjecture, I would say, that these proceedings, which were closely followed by the *lex Horatia*, were the immediate occasion of this LAW^s being enacted. That when Livy says, "Ea omnia CONCILIO PLEBIS acta," the words *concilio plebis* are not equivalent to *comitiis tributis*. And that the new law, while it gave the PLEBISCITA (the decrees of the commons) a force equal to that of laws made in the *comitia centuriata*, confined this privilege to such *plebiscita* as should be made TRIBUTUM, i. e. in *comitia tributa*, and did not extend it to decrees that might be made *concilio plebis*. "Quin veluti in controverso jure esset, tenerenturque patres PLEBISCITIS, legem centuriatis comitiis tulere, ut quod TRIBUTUM plebes jussisset, *populum* teneret."

Vid.
sup.
p. 274,
275.

Before the introduction of *comitia tributa*, there were unquestionably CONCILIA PLEBIS, which assumed the power of legislation; and I have not observed any cogent reasons for believing, that there were no such *concilia* after the assemblies by tribes were brought into use.

Should it be asked, what the difference was between COMITIA TRIBUTA held by the tribunes and CONCILIA PLEBIS? I should say, that, from the former only the senators were excluded; but that all the patricians were excluded from the latter. The latter therefore was an assembly of the commons, the former an assembly of the people; which people nevertheless is sometimes called *plebs*. "Plebs est ceteri cives sine senatoribus." *Digest. l. 50. t. 16. n. 238.*

It would seem that the senators (in these times at least) were not allowed to vote in the *comitia tributa*, except when these assemblies were held by one of the *magistratus majores*; and that then they were held with *auspicia*. "Tributa comitia si a *plebeis* magistratibus, hoc est a tribuno plebis et *adile* plebis facta sint, sine *auspiciis* (ut ait Dionysius) esse facta: sin a *patriciis* magistratibus, cum *auspiciis*." *Manut. de Com. Rom. cap. 9.*

Dr. Middleton (in his *Treatise on the ROMAN SENATE*, p. 119) speaks too generally, when he says, that the tribunes excluded them [the senate] from any share or influence in the assemblies of the tribes. It would have been exact, I believe, if he had said, from THEIR assemblies of the tribes, that is, from the *comitia tributa* HELD by the TRIBUNES. But we find in the year 307 (three years only after enacting the *lex Horatia*), the CONSULS holding the *comitia tributa*, on occasion of the dispute between the Ardeates and Aricini, who had referred their cause to the arbitration of the Roman people. "Aricini atque Ardeates de ambiguo agro quum saepe bello certassent—judicem populum Romanum cepere.—Concilio populi a magistratibus dato—quum TRIBUS vocari et populum inire suffragium oporteret, consurgit P. Scaptius—alioet, inquit, CONSULES de republica dicere, &c. Quum, ut vanum, eum negarent CONSULES audiendum esse, vociferantemque prodi publicam causam *summocti* jussissent, tribunos appellat," &c. *Liv. b. 4. c. 71.*

I thought to have mentioned some particulars in the history of these first years of the republic, that do by no means correspond to the rules laid down by the learned as generally observed in the holding the several sorts of *comitia*, and doing business therein: but I am glad to retire from these discussions under cover of a passage in the excellent work before referred to, entitled *ELEMENTS OF CIVIL LAW*. In page

to that assembly, and permitting any person to kill the man who should attempt such a creation. To these laws was added a regulation, importing, that the *senatus-consulta*, which were often suppressed or altered by the consuls, should for the future be transmitted to the ædiles, and preserved in the temple of Ceres.

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§. VIII. THOUGH the patricians in general greatly disliked all these proceedings, yet because hitherto they saw no particular person of their party attacked, they made no opposition to them. But the scene quickly changed. The liberty of the people and the power of the tribunes being now firmly re-established, the latter thought the favourable time come for prosecuting the decemvirs, and all the accomplices of their tyranny. Appius was the first accused. Upon a summons from Virginius (who was appointed to be the accuser), he came into the forum, attended by a crowd of young nobles, who had been his ministers and his guard during his decemvirate. Their appearance brought afresh into the people's minds all the instances of his horrible abuse of power.

Livy,
b. 3.
c. 56.

Then Virginius began: "Long speeches, O Romans, are for clearing up of doubtful cases. I shall not waste your time in expatiating upon the crimes of a man whose cruelty reduced you to the necessity of taking arms to rescue yourselves from it: nor will I suffer him to add to his wicked deeds the impudence of defending them. Appius, I shall pass over the whole series of your flagitious practices during the space of two years. There is one crime only, from which if you do

185, the learned, judicious, and candid author, after speaking of the differences between *LEX* and *PLEBISCITUM*, and between the *comitia curiata* and *comitia centuriata*, proceeds thus: I judged it proper that my reader should snatch, in a short and comprehensive view, this part of the Roman constitution. He will more easily make himself master of particulars, even when they contradict or vary from his general system: and I am persuaded, that many things might be taught more successfully, if both writers and readers would sometimes consider that which they set off with, not as a part of the building, but only as so much scaffolding, to be laid aside afterward, or thrown by as useless and unnecessary. In the civil history of a people, this doctrine may have fairer play, because the constitution of a country, at its final settlement, is best apprehended by the difference it carries with it, from the same constitution, when it first began to be moulded."

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not instantly clear yourself, I order you to be led to prison.

“What have you to say for the sentence you passed against Virginia? Why did you, contrary to law, refuse a person, whose liberty was brought into dispute, the possession of that liberty till the suit was determined?”

Appius had no hope of assistance either from the tribunes or the people; nevertheless he called upon the tribunes; and when, none of them interposing, the officer laid hold on him to drag him away, he cried out, “I appeal.” The sound of these sacred words (the guardians of liberty) though from a man who had so lately violated the laws of liberty, caused a universal silence. He then reminded the people of the merit of his ancestors, and of his own unhappy affection to the commons, when to the great displeasure of the senate he relinquished the consulship, to make way for the decemvirate, and the establishment of the new laws; laws which were still in force, while he, the legislator himself, contrary to the tenor of them, was condemned to prison. He added that, as to his merits and demerits, it would appear what they were, when his trial should come on; that at present he pleaded the common rights of a Roman citizen, and only demanded the time necessary for preparing his defence: that if without being heard he was now sentenced to prison, he appealed once more to the tribunes, and exhorted them not to follow the example of those they hated: that if the tribunes confessed they had come to an agreement among themselves to abolish the right of appeal, he appealed from them to the people, and implored the protection of the laws just made, by joint consent of consuls and tribunes, to confirm that privilege. “What citizen can hope for any benefit from those laws, if Appius Claudius can reap none? Your conduct, with regard to me, will make it appear, whether this right of appeal, of which

you seem so jealous, be only the appearance of a privilege, a thing subject to the cabals and private views of the tribunes, or whether it be the real and firm support of liberty."

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Virginius, in answer, said, that Appius was the single man who had nothing to do with the laws or any social compact, nor ought to have any benefit from them : that, having made himself perpetual decemvir, his tribunal had been the retreat and strong hold of all wickedness ; that, regardless of gods and men, and always surrounded by hangmen instead of lictors, he had, contrary to all laws and privileges, despoiled, scourged, and murdered his fellow-citizens ; that then, turning his mind from slaughter to lust, he had not been ashamed to tear a Roman maid, of free condition, out of her father's arms, deliver her into the hands of the vile minister of his pleasures, and reduce the father to the cruel extremity of killing his daughter, to preserve her honour : that when the uncle, and the person to whom she was betrothed, were taking up the body of the expiring virgin, he had commanded them both to prison, being more vexed at the disappointment of his intended rape, than touched with concern for the murder. That surely it was but fitting so infamous a wretch should go to that prison which he himself had built, and had insolently named the " Habitation of the Commons of Rome." Then, turning to Appius, " Appeal, therefore, as often as you will ; unless you instantly plead, I order you to gaol as a criminal condemned."

The commitment of a patrician of such high rank seemed to many persons, even among the commons, an excessive stretch of tribunitian power ; yet nobody opposed it. Appius was that minute led to prison, and Virginius appointed him a day for making his defence.

His uncle, C. Claudius, who had always been against the decemvirs, and who had particularly detested the

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pride and insolence of his nephew, hastened however to his aid as soon as he heard of his disgrace. It has been already said, that, to avoid being an eyewitness of the tyrannical government of the decemvirs, and of the miseries of Rome, he had retired to Regillus. He was no sooner come back to Rome, but he appeared in the forum in a habit of mourning, and attended by all his relations and friends. He went from citizen to citizen, and besought each of them in particular not to fix such an ignominy upon the Claudian family, nor to suffer such a shame to themselves, as that the founder of their laws should lie in a dungeon with villains and robbers; but rather to forgive one of the Claudii, for the sake of so many of the name as interceded for him, than out of hatred to one, to reject the prayers of so many. He added, that, the people having fortunately recovered their liberty by their courage, there was now nothing wanting to the happiness of the republic but the restoring of union between the two orders in the state, and that this would be best done by clemency.

Many of the citizens were moved to pity by the entreaties and intercessions of Claudius. But Virginius, on the other hand, begged them to have compassion for him and his daughter, and to have regard to the prayers, not of the Claudian family which had tyrannized over them, but of Virginia's relations, three tribunes, who, being created for the succour of the people, ought in their necessity to receive succour from them. Virginius prevailed.

D. Hal
b. 11.
p. 726.

Appius died in prison before the day came for his trial; and Dionysius tells us, that though the tribunes gave out that he had strangled himself, it was much suspected that he had been dispatched by their orders. Livy, without mentioning a word of the tribunes, barely relates, that Appius, to avoid the infamy of a public punishment, put an end to his own life in prison.

The trial of Sp. Oppius, one of the plebeian decemvirs, followed next. • Numitorius, Virginia's uncle (who was now a tribune), prosecuted him, as an accomplice of Appius, whose injustice in her affair he had not opposed, though at that time in Rome : nor was this the only crime laid to his charge. A veteran, who had served twenty-seven years and had been eight times honoured with military rewards, stripping off his robe, exposed his shoulders, which had been torn with rods by the decemvir's lictors ; and he offered to submit himself to the same treatment again, if Oppius could assign any good reason for his cruelty. The accused was condemned by the unanimous suffrages of the people ; he was thrown into prison, and Dionysius tells us, that he died there the very same day. The other eight decemvirs sought their safety in flight, and banished themselves. Their effects were confiscated and sold, and the produce carried by the quæstors into the public treasury. Marcus Claudius, the instrument employed by Appius to get Virginia into his power, was condemned to death ; but as he laid all the crime upon Appius, Virginius was contented with his exile, doubtless in consideration, that the wretch had acted in compliance with the will of a magistrate from whom he could have no appeal.

Thus was revenge taken for the innocent blood of the unfortunate Virginia, whose death (like that of Lucretia) procured liberty to the Roman people.

Though the punishment of the decemvirs was owned to be just, yet the senate could not help being under some consternation at the death and exile of so many members of their body. Neither was it possible to foresee what bounds the tribunes, who were so closely united with the two consuls, would put to their revenge : they seemed to be so many new decemvirs, who were going to re-establish the late tyranny. Duilius, who was one of the tribunes, but more moderate than

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Livy,
b. 3.
c. 58.

D. Hal.
b. 11.
p. 726.

Livy,
b. 3.
c. 59.

Year of
ROMAN
304.
B. C. 448.

Sixtieth
consul-
ship.

the rest, dispelled the fears of the senate by this public declaration: "Enough has been done for the security of our liberty, and the punishment of our enemies. During the remainder of this year, I will not suffer, that any person be prosecuted or imprisoned for past faults, which, being already expiated, ought therefore to be no longer remembered."

END OF VOL. I.

